

Greg Carroll

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 MIDDLE DIVISION</p> <p>4</p> <p>5</p> <p>6 CASE NUMBER: 4:15-cv-1152-VEH</p> <p>7</p> <p>8</p> <p>9 MICHELLE LEE HELM,</p> <p>10 Plaintiff,</p> <p>11</p> <p>12 vs.</p> <p>13</p> <p>14 RAINBOW CITY, ALABAMA, et al.,</p> <p>15 Defendants.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 DEPOSITION OF GREG CARROLL</p> <p>20 DATE TAKEN: May 18, 2016</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 IT IS FURTHER STIPULATED AND AGREED</p> <p>2 that the signature to and the reading of the</p> <p>3 deposition by the witness is waived, the</p> <p>4 deposition to have the same force and effect</p> <p>5 as if full compliance had been had with all</p> <p>6 laws and rules of Court relating to the</p> <p>7 taking of depositions.</p> <p>8</p> <p>9 IT IS FURTHER STIPULATED AND AGREED</p> <p>10 that it shall not be necessary for any</p> <p>11 objections to be made by counsel to any</p> <p>12 questions except as to form or leading</p> <p>13 questions, and that counsel for the parties</p> <p>14 may make objections and assign grounds at the</p> <p>15 time of the trial, or at the time said</p> <p>16 deposition is offered in evidence, or prior</p> <p>17 thereto.</p> <p>18</p> <p>19 IT IS FURTHER STIPULATED AND AGREED</p> <p>20 that the notice of filing of the deposition</p> <p>21 by the Commissioner is waived.</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 2</p> <p>1 In accordance with Rule 5(d) of The</p> <p>2 Alabama Rules of Civil Procedure, as amended,</p> <p>3 effective May 15, 1988, I Beth C. Word, am</p> <p>4 hereby delivering to Mr. H. Gregory Harp the</p> <p>5 original transcript of the oral testimony</p> <p>6 taken on the 18th day of May 2016, along with</p> <p>7 exhibits.</p> <p>8</p> <p>9 Please be advised that this is the</p> <p>10 same and not retained by the Court Reporter,</p> <p>11 nor filed with the Court.</p> <p>12</p> <p>13</p> <p>14</p> <p>15 S T I P U L A T I O N S</p> <p>16 IT IS STIPULATED AND AGREED by and</p> <p>17 between the parties through their counsel,</p> <p>18 that the deposition of GREG CARROLL may be</p> <p>19 taken before Beth C. Word, Commissioner, at</p> <p>20 the Law Office of Clark Hall, 750 Forrest</p> <p>21 Avenue, Gadsden, Alabama, on the 18th day of</p> <p>22 May 2016.</p> <p>23</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4</p> <p>5 GREGORY HARP, LLC</p> <p>6 BY: Mr. H. Gregory Harp</p> <p>7 ADDRESS: 459 Main Street</p> <p>8 Suite 101-266</p> <p>9 Trussville, Alabama 35173</p> <p>10 (205) 544-3132</p> <p>11</p> <p>12</p> <p>13 FOR THE DEFENDANT:</p> <p>14</p> <p>15 FORD, HOWARD & CORNETT, P.C.</p> <p>16 BY: Mr. H. Edward Howard</p> <p>17 ADDRESS: 140 South Ninth Street</p> <p>18 Gadsden, Alabama 35901</p> <p>19 (256) 546-5432</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

<p style="text-align: right;">Page 5</p> <p>1 STUBBS, SILLS & FRYE, P.C. 2 BY: Mr. C. David Stubbs 3 ADDRESS: 1724 South Quintard Avenue 4 Anniston, Alabama 36201 5 (256) 835-5050 6 7 8 F&B LAW FIRM, P.C. 9 BY: Ms. Allison B. Chandler 10 ADDRESS: 213 Greene Street 11 Huntsville, Alabama 35801 12 (256) 536-0095 13 14 15 ALSO PRESENT: 16 John Bryant 17 18 19 20 21 22 23 INDEX</p>	<p style="text-align: right;">Page 7</p> <p>1 Gadsden, Alabama, acting as Commissioner, 2 certify that on this date, as provided by the 3 Alabama Rules of Civil Procedure and the 4 foregoing stipulation of counsel, there came 5 before me at the Law Office of Clark Hall, 6 750 Forrest Avenue, Gadsden, Alabama, 7 beginning at 9:00 a.m., GREG CARROLL, witness 8 in the above cause, for oral examination, 9 whereupon the following proceedings were had: 10 11 12 THE COURT REPORTER: Usual 13 stipulations? 14 MR. HARP: Yes. 15 MS. CHANDLER: Yes. 16 MR. STUBBS: Yes. 17 MR. HOWARD: Yes. 18 19 GREG CARROLL, 20 being first duly sworn, was 21 examined and testified as follows: 22 23 EXAMINATION BY MR. HARP:</p>
<p style="text-align: right;">Page 6</p> <p>1 2 EXAMINATION BY: PAGE NUMBER: 3 Mr. Harp 8 4 5 6 7 EXHIBITS: 8 PX- 1 - Notice of Deposition 19 9 PX- 2 - Amended Complaint 20 10 PX- 3 - Answers to Interrogatories 21 11 PX- 4 - Screenshot of Video 41 12 PX- 5 - Use of Force Form 76 13 PX- 6 - Photo 81 14 PX- 7 - Statement of Gilliland 88 15 PX- 8 - Statement of Morris 99 16 PX- 9 - Statement of Fazekas 118 17 PX-10 - Synopsis Use of Force Form 143 18 PX-11 - Morgan Use of Force Form 146 19 20 21 22 23 I, BETH C. WORD, a Court Reporter of</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Mr. Carroll, my name is Greg Harp. 2 And I am the attorney of record for Michelle 3 Helm and her minor daughter that we're going 4 to try to identify by her initials today. So 5 if I say T.H., can we have an understanding 6 that I am referring to the minor daughter of 7 Michelle Helm? 8 A. That will be fine. 9 Q. Okay. Would you state your full 10 name for the record? 11 A. It's Gregory Mark Carroll. 12 Q. And where do you reside, 13 Mr. Carroll? 14 A. 590 Rolling Hills Road, Gadsden, 15 Alabama. 16 Q. How long have you resided at that 17 address? 18 A. About five years. 19 Q. Prior to residing at 590 Rolling 20 Hills Drive, where did you -- is it Drive or 21 Road? 22 A. 590 Rolling Hills Road. 23 Q. Road.</p>

<p style="text-align: right;">Page 9</p> <p>1 A. Yes, sir.</p> <p>2 Q. Prior to residing at that address,</p> <p>3 where did you live?</p> <p>4 A. 276 Allegheny Drive, Rainbow City.</p> <p>5 A-l-l-e-g-h-e-n-y. It took me thirty years</p> <p>6 to learn how to spell that.</p> <p>7 Q. And how long did you live at that</p> <p>8 address?</p> <p>9 A. Thirty-one, thirty-two years.</p> <p>10 Q. Are you married?</p> <p>11 A. Yes.</p> <p>12 Q. What is your wife's name?</p> <p>13 A. Joyce Brenda Carroll.</p> <p>14 Q. Is Ms. Carroll employed?</p> <p>15 A. Yes.</p> <p>16 Q. Where does she work?</p> <p>17 A. Gadsden State.</p> <p>18 Q. Is that Gadsden State Community</p> <p>19 College?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Harvard on the hill?</p> <p>22 A. Yeah. That's it.</p> <p>23 Q. And what is her job there?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. And I failed to do this before I</p> <p>2 lunged into a series of background questions,</p> <p>3 but the court reporter, as you know, is</p> <p>4 taking down everything that we're saying.</p> <p>5 A. Right.</p> <p>6 Q. And these depositions are taken in</p> <p>7 such a way, and my rule always is, if I ask a</p> <p>8 question that you do not understand or that</p> <p>9 is confusing to you in any way, just stop and</p> <p>10 ask me to rephrase the question, and I will</p> <p>11 do that. Okay?</p> <p>12 A. Okay.</p> <p>13 Q. Because if you answer that</p> <p>14 question, I'm going to assume that you</p> <p>15 understood the question in the manner that it</p> <p>16 was asked. Okay?</p> <p>17 A. Correct.</p> <p>18 Q. And I'll be happy to rephrase and</p> <p>19 try to make the question as understandable as</p> <p>20 possible. Okay?</p> <p>21 A. Okay.</p> <p>22 Q. Anytime you need to take a break,</p> <p>23 let me know. This is your deposition, and</p>
<p style="text-align: right;">Page 10</p> <p>1 A. She works with the dorms. She's</p> <p>2 over the dorms for the foreign students and</p> <p>3 stuff.</p> <p>4 Q. Do you have any adult children --</p> <p>5 and when I say adult, I mean children over</p> <p>6 the age of nineteen.</p> <p>7 A. Yes. I have two of my own, and she</p> <p>8 has two.</p> <p>9 Q. Could you give me their names,</p> <p>10 please?</p> <p>11 A. My son's name is Gregory Adam</p> <p>12 Carroll.</p> <p>13 Q. And how old is Gregory Adam?</p> <p>14 A. He is thirty-one.</p> <p>15 Q. Is he employed?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know where he is employed?</p> <p>18 A. I knew you were going to ask that.</p> <p>19 It's in Anniston, but I couldn't tell you the</p> <p>20 name. I don't know.</p> <p>21 Q. Have you ever given a deposition</p> <p>22 before?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 12</p> <p>1 we'll take a break anytime you need to.</p> <p>2 A. Thank you.</p> <p>3 Q. Now, you said you have two sons; is</p> <p>4 that correct?</p> <p>5 A. No. I have one son and one</p> <p>6 daughter.</p> <p>7 Q. One daughter. And what's your</p> <p>8 daughter's name?</p> <p>9 A. Her name is Leigh Stevens</p> <p>10 Carroll.</p> <p>11 Q. And how old is she?</p> <p>12 A. She is twenty-five.</p> <p>13 Q. Is she employed?</p> <p>14 A. Yes. She's employed with Ruby</p> <p>15 Tuesday.</p> <p>16 Q. Ruby Tuesday. Is that the one on</p> <p>17 Rainbow Drive?</p> <p>18 A. No. It's the one in Hoover.</p> <p>19 Q. In Hoover?</p> <p>20 A. Uh-huh (affirmative response).</p> <p>21 Q. And you said your wife had two</p> <p>22 children of her own?</p> <p>23 A. Yes.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Your stepchildren?</p> <p>2 A. Yes.</p> <p>3 Q. And what are their names?</p> <p>4 A. Brittney Lloyd.</p> <p>5 Q. And how old is Brittney?</p> <p>6 A. Brittney is twenty-seven.</p> <p>7 Q. Is she employed?</p> <p>8 A. Yes.</p> <p>9 Q. Where is she employed?</p> <p>10 A. American Eagle.</p> <p>11 Q. What city is that?</p> <p>12 A. Gadsden, there at the mall.</p> <p>13 Q. Does Gregory Carroll, does he live</p> <p>14 in Gadsden or Anniston?</p> <p>15 A. No. He lives in Rainbow City.</p> <p>16 Q. Rainbow City?</p> <p>17 A. Yes. The same address, 276</p> <p>18 Allegheny.</p> <p>19 Q. Okay. So Gregory lives with you</p> <p>20 and your wife.</p> <p>21 A. No.</p> <p>22 Q. Oh, I'm sorry. He lives in your</p> <p>23 old home.</p>	<p style="text-align: right;">Page 15</p> <p>1 you.</p> <p>2 A. She lives next door to us.</p> <p>3 Q. Does she work?</p> <p>4 A. Yes.</p> <p>5 Q. Where does she work?</p> <p>6 A. Vision America on Rainbow Drive.</p> <p>7 Q. Are you employed?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Where are you employed?</p> <p>10 A. City of Rainbow City.</p> <p>11 Q. How long have you been employed by</p> <p>12 Rainbow City?</p> <p>13 A. About twenty-three and a half</p> <p>14 years.</p> <p>15 Q. Have you been employed by the</p> <p>16 Rainbow City Police Department those entire</p> <p>17 twenty-three and a half years?</p> <p>18 A. Yes.</p> <p>19 Q. Did you start out working as a</p> <p>20 patrol officer for Rainbow City?</p> <p>21 A. Yes.</p> <p>22 Q. How long did you work as a patrol</p> <p>23 officer for Rainbow City?</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Right.</p> <p>2 Q. All right. And Leigh, where does</p> <p>3 she live?</p> <p>4 A. She lives in Hoover. She bought a</p> <p>5 condo there in Hoover, but I don't know the</p> <p>6 address.</p> <p>7 Q. That's fine. And Brittney, where</p> <p>8 does she live?</p> <p>9 A. She lives in Gadsden, in North</p> <p>10 Gadsden. I can't remember the street. It's</p> <p>11 about half a mile from my house.</p> <p>12 Q. And the second child of Joyce is</p> <p>13 who?</p> <p>14 A. That's going to be Melissa</p> <p>15 Shortnacy.</p> <p>16 Q. Spell that last name for me.</p> <p>17 A. S-h-o-r-t-n-a-c-y.</p> <p>18 Q. How old is she?</p> <p>19 A. She is twenty-four.</p> <p>20 Q. And where does she reside?</p> <p>21 A. 560 Rolling Hills Road, Gadsden,</p> <p>22 Alabama.</p> <p>23 Q. So she lives down the street from</p>	<p style="text-align: right;">Page 16</p> <p>1 A. About six years.</p> <p>2 Q. And what year did you start working</p> <p>3 for Rainbow City, if that was twenty-three</p> <p>4 and a half years ago?</p> <p>5 A. 4-1 of '93.</p> <p>6 Q. 1993?</p> <p>7 A. Uh-huh (affirmative response).</p> <p>8 Q. So in about 1999, 2000, you changed</p> <p>9 job titles?</p> <p>10 A. Yes.</p> <p>11 Q. What did you become?</p> <p>12 A. Detective.</p> <p>13 Q. How long did you work as a</p> <p>14 detective for Rainbow City?</p> <p>15 A. I believe until August of 2012.</p> <p>16 Q. During the time that you were a</p> <p>17 detective for Rainbow City, was the Chief of</p> <p>18 Police Allen Ragan?</p> <p>19 A. Uh-huh (affirmative response).</p> <p>20 Q. Is Allen Ragan still with the City</p> <p>21 of Rainbow City?</p> <p>22 A. No. He no longer works there.</p> <p>23 Q. Does he still work for the tire</p>

<p style="text-align: right;">Page 17</p> <p>1 store?</p> <p>2 A. Yeah, B and C.</p> <p>3 Q. B and C?</p> <p>4 A. Uh-huh (affirmative response).</p> <p>5 Q. Have you had any conversations at</p> <p>6 all with Allen Ragan about this lawsuit?</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. Have you had any conversations at</p> <p>9 all with Gregory Adam Carroll about this</p> <p>10 lawsuit outside the presence of either your</p> <p>11 wife or your attorney?</p> <p>12 A. No.</p> <p>13 Q. Have you had any conversations at</p> <p>14 all with Leigh Carroll about this lawsuit</p> <p>15 outside the presence of your wife or</p> <p>16 attorney?</p> <p>17 A. No.</p> <p>18 Q. Have you had any conversations with</p> <p>19 Brittney Lloyd about this lawsuit outside the</p> <p>20 presence of your wife or attorney?</p> <p>21 A. No.</p> <p>22 Q. Have you had any conversations with</p> <p>23 Melissa Shortnacy about this lawsuit?</p>	<p style="text-align: right;">Page 19</p> <p>1 deposition before, everytime I mark</p> <p>2 something, I'm going to slide it to your</p> <p>3 attorney so he can look at it first.</p> <p>4 A. Okay.</p> <p>5</p> <p>6 (Plaintiff's Exhibit Number 1 was</p> <p>7 marked for identification and same is</p> <p>8 attached hereto.)</p> <p>9</p> <p>10 Q. Have you ever seen that document</p> <p>11 before today?</p> <p>12 A. No, I don't think I have.</p> <p>13 Q. Have you ever been told that there</p> <p>14 will be a position of Deputy Chief created</p> <p>15 for Rainbow City?</p> <p>16 A. Yes. Well, I say yes. Probably a</p> <p>17 couple of months ago, they were going to</p> <p>18 create a Deputy Chief position.</p> <p>19 Q. And you received notice of that a</p> <p>20 couple of months ago?</p> <p>21 A. Yeah, when the Council was talking</p> <p>22 about it.</p> <p>23 Q. Could that have been as far back as</p>
<p style="text-align: right;">Page 18</p> <p>1 A. No.</p> <p>2 Q. Outside of your attorney, have you</p> <p>3 had any conversations with anyone about this</p> <p>4 lawsuit?</p> <p>5 A. Not other than the ones that's</p> <p>6 involved.</p> <p>7 Q. And when you say the ones that are</p> <p>8 involved, who are you referring to?</p> <p>9 A. That would be George Morris.</p> <p>10 Q. Anyone else?</p> <p>11 A. Justin Gilliland.</p> <p>12 Q. Anyone else?</p> <p>13 A. Not that I can recall.</p> <p>14 Q. Have you had any conversations with</p> <p>15 John Bryant outside the presence of your</p> <p>16 attorney about this lawsuit?</p> <p>17 A. No.</p> <p>18 Q. Can you tell me who, if anyone, is</p> <p>19 the Deputy Chief of Rainbow City?</p> <p>20 A. They don't have one.</p> <p>21 Q. Let me show you what I'm going to</p> <p>22 mark as Plaintiff's Exhibit Number 1 to your</p> <p>23 deposition. And since you have never given a</p>	<p style="text-align: right;">Page 20</p> <p>1 February of 2016?</p> <p>2 A. Yeah. Yeah, it could have.</p> <p>3 Q. Okay. I'm going to show you what I</p> <p>4 will mark as Plaintiff's Exhibit Number 2 to</p> <p>5 your deposition. And by way of further</p> <p>6 identification, it is the amended complaint</p> <p>7 that was filed on September 10, 2015 in this</p> <p>8 matter.</p> <p>9</p> <p>10 (Plaintiff's Exhibit Number 2 was</p> <p>11 marked for identification and same is</p> <p>12 attached hereto.)</p> <p>13</p> <p>14 A. (Witness reviewing document.)</p> <p>15 Q. Have you ever seen a copy of that</p> <p>16 amended complaint that we marked as</p> <p>17 Plaintiff's Exhibit 2 before?</p> <p>18 A. I don't recall.</p> <p>19 Q. You don't recall whether or not you</p> <p>20 have seen it or you don't recall seeing it?</p> <p>21 A. I don't recall seeing it.</p> <p>22 Q. Are you aware that in the amended</p> <p>23 complaint, there are allegations made by</p>

<p style="text-align: right;">Page 21</p> <p>1 Michelle Helm and T.H. against you?</p> <p>2 A. Is this the same thing that was</p> <p>3 sent to us a few months ago?</p> <p>4 Q. Possibly. I'm not sure how you got</p> <p>5 it. That was filed electronically online, so</p> <p>6 I can't say that that's the same thing that</p> <p>7 was sent to you.</p> <p>8 MR. HOWARD: Well, I guess it's</p> <p>9 probably fair to say it's probably not the</p> <p>10 one that you were served with by process.</p> <p>11 MR. HARP: That is fair to say.</p> <p>12</p> <p>13 A. I guess I would have to answer no</p> <p>14 to that then.</p> <p>15</p> <p>16 (Plaintiff's Exhibit Number 3 was</p> <p>17 marked for identification and same is</p> <p>18 attached hereto.)</p> <p>19</p> <p>20 Q. Okay. I'm going to show you what I</p> <p>21 have marked as Plaintiff's Exhibit Number 3</p> <p>22 to your deposition. And by way of further</p> <p>23 identification, it is the answer to first</p>	<p style="text-align: right;">Page 23</p> <p>1 amended complaint. And if I understand your</p> <p>2 testimony correctly, you have not seen a copy</p> <p>3 of Plaintiff's Exhibit Number 3 before today;</p> <p>4 is that right?</p> <p>5 A. I think I have got a copy of this.</p> <p>6 This is the one I don't think that I have</p> <p>7 seen.</p> <p>8 Q. Okay. Now, let me back up. So now</p> <p>9 you believe you have seen a copy and you have</p> <p>10 a copy of Plaintiff's Exhibit Number 3, which</p> <p>11 is the answers to the first amended</p> <p>12 complaint, correct?</p> <p>13 A. I think so.</p> <p>14 Q. And now you think that maybe you do</p> <p>15 not have a copy and you have not seen a copy</p> <p>16 of Plaintiff's Exhibit Number 2; is that</p> <p>17 right?</p> <p>18 A. I'm going to say correct.</p> <p>19 Q. Now, after you worked as a</p> <p>20 detective for Rainbow City, what was your</p> <p>21 next job title?</p> <p>22 A. Detective Sergeant.</p> <p>23 Q. What years did you work as a</p>
<p style="text-align: right;">Page 22</p> <p>1 amended complaint by Defendants Rainbow City,</p> <p>2 Carroll, Fazekas and Morris.</p> <p>3 A. (Witness reviewing document.)</p> <p>4 Q. Have you had a chance to look at</p> <p>5 Plaintiff's Exhibit Number 3, Mr. Carroll?</p> <p>6 A. Yes.</p> <p>7 Q. Is that a document that you have</p> <p>8 seen before today?</p> <p>9 A. No. I think I've seen this one,</p> <p>10 but I don't think I have seen this one</p> <p>11 (indicating).</p> <p>12 Q. And when you say you have seen this</p> <p>13 one, to what are you referring?</p> <p>14 A. I think I have a copy of this one.</p> <p>15 Q. And that is Plaintiff's Exhibit</p> <p>16 Number 2?</p> <p>17 A. Number 2, yes.</p> <p>18 Q. Which is the amended complaint.</p> <p>19 MR. HOWARD: Yes, first amended</p> <p>20 complaint.</p> <p>21</p> <p>22 Q. I will represent to you that</p> <p>23 Plaintiff's Exhibit Number 2 is the first</p>	<p style="text-align: right;">Page 24</p> <p>1 Detective Sergeant for Rainbow City?</p> <p>2 A. I can just solely guess.</p> <p>3 Q. One thing that I failed to tell you</p> <p>4 as part of my little spill is I don't want</p> <p>5 you to guess. I just want to know what you</p> <p>6 remember. If you don't remember, that's</p> <p>7 fine.</p> <p>8 A. Okay. I don't remember.</p> <p>9 Q. And I'm sure your lawyer probably</p> <p>10 doesn't want you to guess either, so just</p> <p>11 tell me what you remember. Okay?</p> <p>12 A. Okay. I don't remember.</p> <p>13 Q. Okay. After your job as Detective</p> <p>14 Sergeant, what was the next job title you</p> <p>15 held?</p> <p>16 A. Lieutenant Detective.</p> <p>17 Q. And what is the difference between</p> <p>18 a Detective Sergeant and a Lieutenant</p> <p>19 Detective at the Rainbow City Police</p> <p>20 Department?</p> <p>21 A. About a dollar fifty.</p> <p>22 Q. Is that the only difference?</p> <p>23 A. Same job.</p>

<p style="text-align: right;">Page 25</p> <p>1 Q. Job duties are the same?</p> <p>2 A. Yeah.</p> <p>3 Q. Did you have a car as a Detective</p> <p>4 Sergeant?</p> <p>5 A. Yes.</p> <p>6 Q. In fact, you and Captain Ragan</p> <p>7 actually went down south to look for you a</p> <p>8 car to drive around in at one point, right?</p> <p>9 A. We went to Montgomery to the</p> <p>10 surplus down there.</p> <p>11 Q. Right. And you got you a car to</p> <p>12 drive around in when you became a detective;</p> <p>13 is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And you had the car when you</p> <p>16 were a Lieutenant Detective.</p> <p>17 A. Uh-huh (affirmative response).</p> <p>18 Q. Did you supervise any officers as a</p> <p>19 Lieutenant Detective?</p> <p>20 A. I only had one.</p> <p>21 Q. And who was that?</p> <p>22 A. That would be Chase Jenkins.</p> <p>23 Q. Chase Jenkins?</p>	<p style="text-align: right;">Page 27</p> <p>1 supervise employees?</p> <p>2 A. Just one. And that would be Chase</p> <p>3 Jenkins. No. Let me back up.</p> <p>4 Q. Okay.</p> <p>5 A. We did have two more. They have</p> <p>6 quit. Gerry Lyons and Brian Rush.</p> <p>7 Q. Thank you for that. What was your</p> <p>8 next job title, if any, after you were</p> <p>9 Captain of investigations for the Rainbow</p> <p>10 City Police Department?</p> <p>11 A. That would be Chief.</p> <p>12 Q. Chief of police?</p> <p>13 A. Yes.</p> <p>14 Q. And when did you become Chief of</p> <p>15 police for the Rainbow City Police</p> <p>16 Department?</p> <p>17 A. August of 2012.</p> <p>18 Q. And when you became Chief of police</p> <p>19 for the Rainbow City Police Department, did</p> <p>20 you assume any supervisory authority over any</p> <p>21 other Rainbow City Police Department police</p> <p>22 officers?</p> <p>23 A. Yes. I was over everybody.</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Uh-huh (affirmative response).</p> <p>2 Q. Is Mr. Jenkins still employed by</p> <p>3 the Rainbow City Police Department?</p> <p>4 A. He is not.</p> <p>5 Q. And when you supervised Chase</p> <p>6 Jenkins, what was his job title?</p> <p>7 A. Detective Sergeant.</p> <p>8 Q. To your knowledge, has Mr. Jenkins</p> <p>9 tried to apply for reinstatement with the</p> <p>10 Rainbow City Police Department since he was</p> <p>11 terminated?</p> <p>12 A. Yes.</p> <p>13 Q. And was he allowed to return to the</p> <p>14 Rainbow City Police Department?</p> <p>15 A. It hasn't come to court yet.</p> <p>16 Q. After your job as a Lieutenant</p> <p>17 Detective, what was your next job title at</p> <p>18 Rainbow City?</p> <p>19 A. Captain of investigation.</p> <p>20 Q. Captain of investigation?</p> <p>21 A. Yeah.</p> <p>22 Q. And as Captain of investigation for</p> <p>23 Rainbow City Police Department, did you</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Everybody.</p> <p>2 A. Yeah.</p> <p>3 Q. And that would include the</p> <p>4 uniformed patrol officers?</p> <p>5 A. Uh-huh (affirmative response).</p> <p>6 Q. Is that a yes?</p> <p>7 A. Yes. I'm sorry.</p> <p>8 Q. That's okay. I didn't tell you</p> <p>9 that too. You have to say yes or no.</p> <p>10 A. Yes. Yes.</p> <p>11 Q. So that would include, you would</p> <p>12 supervise the uniformed patrol officers.</p> <p>13 A. Correct. Yes.</p> <p>14 Q. You would also supervise the</p> <p>15 detectives?</p> <p>16 A. I had a little say-so with the</p> <p>17 detectives, but Captain Jenkins ran the</p> <p>18 investigation unit when I left and took over</p> <p>19 as Chief.</p> <p>20 Q. But ultimately, the detectives in</p> <p>21 the Rainbow City Police Department would</p> <p>22 answer to you as Chief of police, correct?</p> <p>23 A. Yes.</p>

<p style="text-align: right;">Page 29</p> <p>1 Q. And would you also supervise the</p> <p>2 shift supervisors?</p> <p>3 A. Yes.</p> <p>4 Q. And those would be Sergeants within</p> <p>5 the Rainbow City Police Department,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. How many Sergeants in January of</p> <p>9 2015 were there in the Rainbow City Police</p> <p>10 Department?</p> <p>11 A. Six.</p> <p>12 Q. Can you name those for me,</p> <p>13 please?</p> <p>14 A. Tommy Spurling.</p> <p>15 Q. Is he still employed by the Rainbow</p> <p>16 City Police Department?</p> <p>17 A. Yes. John Bryant.</p> <p>18 Q. And that's Mr. Bryant that's</p> <p>19 sitting here today in your deposition?</p> <p>20 A. Yes.</p> <p>21 Q. Are you aware that Mr. Bryant is</p> <p>22 one of your co-defendants in this</p> <p>23 litigation?</p>	<p style="text-align: right;">Page 31</p> <p>1 Rainbow City Police Department today?</p> <p>2 A. No. Two of them have been promoted</p> <p>3 to Lieutenant.</p> <p>4 Q. And who are those two?</p> <p>5 A. That would be Scott Holderfield and</p> <p>6 George Morris.</p> <p>7 Q. So George Morris has been promoted</p> <p>8 to a Lieutenant for the Rainbow City Police</p> <p>9 Department?</p> <p>10 A. Yes.</p> <p>11 Q. When was George Morris promoted to</p> <p>12 Lieutenant?</p> <p>13 A. Six or seven months ago.</p> <p>14 Q. Is there a test that Sergeants must</p> <p>15 take and pass in order to be promoted to</p> <p>16 Lieutenant for the Rainbow City Police</p> <p>17 Department?</p> <p>18 A. No.</p> <p>19 Q. How does one go about being</p> <p>20 promoted from Sergeant to Lieutenant in the</p> <p>21 Rainbow City Police Department?</p> <p>22 A. In our case, they go before the</p> <p>23 Council and interviews are done. And once</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And the other Sergeants in</p> <p>3 January of 2015?</p> <p>4 A. George Morris.</p> <p>5 Q. Okay.</p> <p>6 A. Scott Holderfield.</p> <p>7 Q. Is Mr. Holderfield still employed</p> <p>8 by the Rainbow City Police Department?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. Nick Gaskin.</p> <p>12 Q. Is Mr. Gaskin still employed by the</p> <p>13 Rainbow City Police Department?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. And Phil Braswell.</p> <p>17 Q. Is that Phillip Braswell?</p> <p>18 A. Yes.</p> <p>19 Q. Is he still employed by the Rainbow</p> <p>20 City Police Department?</p> <p>21 A. Yes.</p> <p>22 Q. Are all of these gentlemen that you</p> <p>23 have just identified still Sergeants for the</p>	<p style="text-align: right;">Page 32</p> <p>1 the interviews are over with, then the</p> <p>2 decision is made on who is going to get</p> <p>3 promoted.</p> <p>4 Q. Who determines which Sergeants go</p> <p>5 before the Council in order to seek promotion</p> <p>6 to Lieutenant?</p> <p>7 A. All Sergeants that has two years</p> <p>8 experience on the job are eligible to sign up</p> <p>9 for the Lieutenant job.</p> <p>10 Q. Two years?</p> <p>11 A. Yes.</p> <p>12 Q. Is that two years as a Sergeant or</p> <p>13 two years of police experience?</p> <p>14 A. No. Two years as a Sergeant.</p> <p>15 Q. Do you attend any church in the</p> <p>16 Etowah County area?</p> <p>17 A. Yes.</p> <p>18 Q. What church do you attend?</p> <p>19 A. Goodyear Heights.</p> <p>20 Q. Do you hold any type of board or</p> <p>21 officer position in that church?</p> <p>22 A. No.</p> <p>23 Q. And I don't mean this derogatory,</p>

<p style="text-align: right;">Page 33</p> <p>1 but would you consider yourself to be just a 2 member of that church, or do you have any 3 leadership responsibility at all? 4 A. No. I have no leadership 5 responsibility. 6 Q. Do you know Jeremy Reeves? 7 A. Yes. 8 Q. How do you know Jeremy Reeves? 9 A. He was over Center Stages. And 10 he's the one that would call whenever they 11 needed security. 12 Q. When you say he was over Center 13 Stages, could you elaborate on that? 14 A. Well, he was like a manager 15 maybe. 16 Q. And you said he would call whenever 17 they needed security. Who would he call? 18 A. He would call me. 19 Q. Call you, personally? 20 A. Uh-huh (affirmative response). 21 Q. And when Jeremy Reeves would call 22 you personally and tell you that he needed 23 security at Center Stage, what would you then</p>	<p style="text-align: right;">Page 35</p> <p>1 2015, can you identify those officers? 2 A. I believe I can. 3 Q. Okay. Would you do that, go ahead 4 and list those officers? 5 A. George Morris, Justin Gilliland, 6 Jimmy Fazekas, Gary Morgan, Timothy 7 Kimbrough, myself and Camp Yancey. 8 Q. Camp? 9 A. Yeah, C-a-m-p. 10 Q. On January 16, 2015, George Morris 11 was a Sergeant for the Rainbow City Police 12 Department, correct? 13 A. Correct. 14 Q. On January 16, 2015 at Center Stage 15 while working security, was George Morris 16 wearing a Rainbow City police uniform? 17 A. He was wearing not like a Class A 18 uniform like the officers wear on patrol, but 19 he was wearing a golf shirt with the badge on 20 it, khaki pants, belt badge. 21 Q. On January 16, 2015 while working 22 security at Center Stage, was Timothy 23 Kimbrough wearing a Class A uniform?</p>
<p style="text-align: right;">Page 34</p> <p>1 do? 2 A. I would line it up. 3 Q. And when you say you would line it 4 up, what do you mean? 5 A. Well, if he said he needed two 6 officers, then I would supply him with two 7 officers. If he needed four officers, I 8 would supply him with four officers. 9 Q. When you say you would supply him, 10 I guess I don't understand. Are these 11 officers being paid by Jeremy Reeves? 12 A. Yes. 13 Q. Now, when you would supply 14 officers -- strike that. On January 16, 15 2015, were officers that you supplied to 16 Jeremy Reeves present at Center Stage? 17 A. Yes. 18 Q. How many officers at Center Stage 19 on January 16, 2015 were there because you 20 supplied them or lined it up? 21 A. Six or seven. 22 Q. Of the six or seven officers that 23 you say were at Center Stage on January 16,</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I think he was, yes. 2 Q. And when we say Class A uniform, 3 we're referring to what most people would 4 identify a police officer in. And that's 5 usually a navy uniform, correct? 6 A. Correct. Yes. 7 Q. And do the pants have a stripe on 8 them? 9 A. No. 10 Q. So they're just plain navy pants? 11 A. Yes. 12 Q. With a navy shirt? 13 A. Yes. 14 Q. And in January, would that have 15 been the short sleeve shirt or the long 16 sleeve shirt? 17 A. That's up to them. If they want to 18 wear a long sleeve, they can. If they want 19 to wear a short sleeve, they can. 20 Q. And he would have been wearing a 21 badge, correct? 22 A. Yes. 23 Q. His utility belt?</p>

<p style="text-align: right;">Page 37</p> <p>1 A. Yes.</p> <p>2 Q. Including a weapon?</p> <p>3 A. Yes.</p> <p>4 Q. And including a Taser?</p> <p>5 A. Correct.</p> <p>6 Q. On January 16, 2015 while working</p> <p>7 security at Center Stage, was Gary Morgan</p> <p>8 wearing a Class A uniform?</p> <p>9 A. Correct.</p> <p>10 Q. On January 16, 2015 while working</p> <p>11 security at Center Stage, was Camp Yancey</p> <p>12 wearing a Class A uniform?</p> <p>13 A. No.</p> <p>14 Q. On January 16, 2015 at Center</p> <p>15 Stage, do you recall any Rainbow City police</p> <p>16 officers being present at any time at Center</p> <p>17 Stage who were on duty?</p> <p>18 MR. HOWARD: Are you talking about</p> <p>19 his knowledge or he saw and heard there?</p> <p>20 MR. HARP: No. Does he recall</p> <p>21 personally.</p> <p>22</p> <p>23 A. Not until after everything started</p>	<p style="text-align: right;">Page 39</p> <p>1 A. Okay.</p> <p>2 Q. You don't remember the other</p> <p>3 officer --</p> <p>4 A. No.</p> <p>5 Q. -- that you were trying to think</p> <p>6 of?</p> <p>7 A. No.</p> <p>8 Q. You don't recall his name,</p> <p>9 correct?</p> <p>10 A. No.</p> <p>11 Q. But you know that John Bryant came</p> <p>12 after the call was put out for assistance.</p> <p>13 A. Yes.</p> <p>14 Q. Do you know who made that call for</p> <p>15 assistance?</p> <p>16 A. I don't remember.</p> <p>17 Q. Do you know how the call for</p> <p>18 assistance was made?</p> <p>19 A. No.</p> <p>20 Q. How do you know that a call for</p> <p>21 assistance was made?</p> <p>22 A. Because the guys showed up. I</p> <p>23 mean, they normally don't just come in there,</p>
<p style="text-align: right;">Page 38</p> <p>1 happening.</p> <p>2 Q. When you say not until everything</p> <p>3 started happening, what are you referring</p> <p>4 to?</p> <p>5 A. Well, when whatever you want to</p> <p>6 call it, the fight or whatever. You know,</p> <p>7 when everything was taking place, then I</p> <p>8 think the officers started coming in then</p> <p>9 because I think there was a call put out for</p> <p>10 some assistance. And some of my guys came.</p> <p>11 Q. Do you recall who or which of your</p> <p>12 guys came when this call for assistance was</p> <p>13 put out?</p> <p>14 A. John Bryant came. And I think --</p> <p>15 no, I can't say that. I'm trying to think of</p> <p>16 his name. Hang on a minute. Can I ask John?</p> <p>17 MR. HOWARD: No, you can't. I'm</p> <p>18 sorry.</p> <p>19</p> <p>20 A. Well, okay. I don't know.</p> <p>21 Q. I just need to know what you</p> <p>22 recall. If you don't remember his name,</p> <p>23 that's fine. Just tell me that.</p>	<p style="text-align: right;">Page 40</p> <p>1 you know, when a concert is going on.</p> <p>2 Q. And you don't recall who made the</p> <p>3 call for assistance.</p> <p>4 A. No, I do not.</p> <p>5 Q. And you don't recall how it was</p> <p>6 made.</p> <p>7 A. I'm sure it was made over the</p> <p>8 radio.</p> <p>9 Q. Over the radio.</p> <p>10 A. Yeah.</p> <p>11 Q. So when Rainbow City police</p> <p>12 officers are working off duty as security,</p> <p>13 are they carrying radios?</p> <p>14 A. Yes.</p> <p>15 Q. And who issues those radios to the</p> <p>16 officers?</p> <p>17 A. The City.</p> <p>18 Q. And when you say the City, you're</p> <p>19 referring to Rainbow City?</p> <p>20 A. Yes.</p> <p>21 Q. Were you carrying a radio on the</p> <p>22 night of January 16, 2015?</p> <p>23 A. No, I wasn't.</p>

<p style="text-align: right;">Page 41</p> <p>1 Q. What were you wearing on the night 2 of January 16, 2015?</p> <p>3 A. A golf shirt and badge with my 4 name, khaki pants. It was a navy blue shirt 5 with the khaki pants, my side arm with a belt 6 badge.</p> <p>7 Q. Was your shirt short sleeve or long 8 sleeve?</p> <p>9 A. Short sleeve.</p> <p>10</p> <p>11 (Plaintiff's Exhibit Number 4 was 12 marked for identification and same is 13 attached hereto.)</p> <p>14</p> <p>15 Q. Okay. I'm going to show you what I 16 have marked as Plaintiff's Exhibit Number 4 17 to your deposition. And I will represent to 18 you that this is a screenshot from a video 19 that was produced to us by Rainbow City. Do 20 you recognize anyone in that photograph?</p> <p>21 A. That's possibly me right there 22 (indicating).</p> <p>23 Q. When you say that's possibly me,</p>	<p style="text-align: right;">Page 43</p> <p>1 the front.</p> <p>2 Q. How long before the concert that 3 occurred on January 16, 2015 did Jeremy 4 Reeves call you and ask you to line up 5 security?</p> <p>6 A. Probably a week and a half, two 7 weeks.</p> <p>8 Q. And did Jeremy Reeves call you on 9 your cell phone?</p> <p>10 A. Yes.</p> <p>11 Q. And when he called you and told you 12 that he needed security over at Center Stage 13 for January 16, 2015, who determined the 14 number of officers that would serve as off 15 duty security that night?</p> <p>16 A. He does.</p> <p>17 Q. He does. Jeremy Reeves does.</p> <p>18 A. Yes.</p> <p>19 Q. And were any of the off duty police 20 officers who were wearing their Class A 21 uniform equipped with body cameras that 22 night?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 42</p> <p>1 where are you indicating?</p> <p>2 A. Right here (indicating).</p> <p>3 Q. And that's the person standing up 4 in the doorway of that building?</p> <p>5 A. Yeah.</p> <p>6 Q. Do you recognize the location that 7 that video was taken at?</p> <p>8 A. Yes.</p> <p>9 Q. Where was that video taken?</p> <p>10 A. Center Stages at the front doors.</p> <p>11 Q. Now, in that photograph, if that's 12 possibly you, you're wearing a long sleeve.</p> <p>13 A. No. That's a jacket.</p> <p>14 Q. That's a jacket?</p> <p>15 A. Yeah.</p> <p>16 Q. And you were wearing a golf shirt 17 under that?</p> <p>18 A. Yes.</p> <p>19 Q. And what color was that golf 20 shirt?</p> <p>21 A. I believe navy blue.</p> <p>22 Q. Did it have the badge?</p> <p>23 A. Yeah. It had the sewed-on badge in</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Which officers were wearing body 2 cameras on the night of January 16, 2015 at 3 Center Stage?</p> <p>4 A. Kimbrough, Morris.</p> <p>5 Q. Anyone else?</p> <p>6 A. Gary Morgan.</p> <p>7 Q. Anyone else?</p> <p>8 A. John Bryant.</p> <p>9 Q. Well, let me make sure we clarify 10 this. I hope my question was, was anyone who 11 was working security wearing the cameras who 12 were wearing Class As --</p> <p>13 A. Okay.</p> <p>14 Q. And your earlier testimony is, 15 Sergeant Bryant was not working security that 16 night, correct?</p> <p>17 A. That's correct. That's correct.</p> <p>18 Q. So Kimbrough, Morris, Morgan. 19 Anyone else that you recall wearing body 20 cameras that night working security?</p> <p>21 A. Not that I recall.</p> <p>22 Q. And what is the policy as it 23 relates to the use of the body cameras for</p>

<p style="text-align: right;">Page 45</p> <p>1 police officers for Rainbow City?</p> <p>2 A. We buy them. They wear them.</p> <p>3 They're supposed to turn them on like on a</p> <p>4 traffic stop. If something is going on, they</p> <p>5 are supposed to click it and turn it on.</p> <p>6 Q. And when you say something going</p> <p>7 on, would that include a situation in which a</p> <p>8 call has gone out for assistance?</p> <p>9 A. Yes.</p> <p>10 Q. So when a call went out for</p> <p>11 assistance to bring in on duty Rainbow City</p> <p>12 police officers, those police officers</p> <p>13 wearing body cameras were supposed to turn on</p> <p>14 their body camera at that point?</p> <p>15 A. Yes.</p> <p>16 MR. HOWARD: Back up. I want to</p> <p>17 object to the form. Which officers?</p> <p>18 MR. HARP: Wait, wait, wait. Now,</p> <p>19 you're Ed, right?</p> <p>20 MR. HOWARD: Yes.</p> <p>21 MR. HARP: But you represent</p> <p>22 Rainbow City, so he's not your client.</p> <p>23 MR. HOWARD: Yeah. And he's not</p>	<p style="text-align: right;">Page 47</p> <p>1 I'll be quiet.</p> <p>2</p> <p>3 Q. (By Mr. Harp) So my question</p> <p>4 was -- well, let me ask this question. Have</p> <p>5 you, personally, viewed any footage from</p> <p>6 Officer Kimbrough's body camera that was --</p> <p>7 A. No.</p> <p>8 Q. -- taken on January 16, 2015?</p> <p>9 A. No.</p> <p>10 Q. Do you know if any footage from</p> <p>11 Officer Kimbrough's body camera exists from</p> <p>12 January 16, 2015?</p> <p>13 A. I have no knowledge.</p> <p>14 Q. As the Chief of Police, do you have</p> <p>15 the knowledge as to how the body camera</p> <p>16 footage is preserved?</p> <p>17 A. Yes.</p> <p>18 Q. Tell me what your knowledge is</p> <p>19 about how the body camera footage is</p> <p>20 preserved.</p> <p>21 A. What I know about the body cameras,</p> <p>22 which is not very much, but when the officers</p> <p>23 come in at the end of their shift, they take</p>
<p style="text-align: right;">Page 46</p> <p>1 here as a City representative, right? He's</p> <p>2 not a 30(b)(6) representative.</p> <p>3 MR. HARP: He's here as the Chief</p> <p>4 of Police, so I want to know what his</p> <p>5 knowledge is about body cameras.</p> <p>6 MR. HOWARD: Well, this brings us</p> <p>7 to a particular point. If he's not a</p> <p>8 30(b)(6) rep and you haven't noticed him that</p> <p>9 way, then you're right, I don't. And I'll be</p> <p>10 quiet as long as we understand, you know,</p> <p>11 when we get into --</p> <p>12 MR. HARP: I just want to know what</p> <p>13 his knowledge is as Greg Carroll, sitting</p> <p>14 here today.</p> <p>15 MR. HOWARD: Let me just tell you</p> <p>16 why I objected, and then I'll shut up.</p> <p>17 MR. HARP: Okay.</p> <p>18 MR. HOWARD: Which officers are you</p> <p>19 talking about? You've got on duty and off</p> <p>20 duty.</p> <p>21 MR. HARP: I'm talking about any</p> <p>22 officer who was wearing a body camera.</p> <p>23 MR. HOWARD: Okay. Have at it, and</p>	<p style="text-align: right;">Page 48</p> <p>1 their body cams off if they've had any</p> <p>2 recordings on traffic stops. And there is</p> <p>3 like a big charger unit, I guess, but it's</p> <p>4 not a charger unit.</p> <p>5 Q. Yes, sir.</p> <p>6 A. But you place the camera inside</p> <p>7 that. And anything that's on that camera is</p> <p>8 downloaded into that system. All right.</p> <p>9 From that part -- we pay a company mega bucks</p> <p>10 to store this stuff.</p> <p>11 Q. What's the name of that company?</p> <p>12 A. I don't know. I couldn't tell you.</p> <p>13 Q. Is that company local? Here in</p> <p>14 Etowah County?</p> <p>15 A. No, it's not. And let me back up.</p> <p>16 Those cameras are called Taser. They are</p> <p>17 Taser cameras. So it's probably the Taser</p> <p>18 company, if I'm not mistaken. The Taser</p> <p>19 company would have that.</p> <p>20 Q. Are you familiar with a company</p> <p>21 named Taser International?</p> <p>22 A. Yeah.</p> <p>23 Q. Is that the Taser company you're</p>

<p style="text-align: right;">Page 49</p> <p>1 talking about?</p> <p>2 A. It probably is, yes.</p> <p>3 Q. Have you viewed footage from any</p> <p>4 police officer for Rainbow City wearing a</p> <p>5 body camera on the night of January 16,</p> <p>6 2015?</p> <p>7 A. No.</p> <p>8 Q. Now, let me make sure I understand.</p> <p>9 I'm not just limiting that to those working</p> <p>10 security. I'm talking about any body camera</p> <p>11 footage.</p> <p>12 A. Right.</p> <p>13 Q. Have you viewed any body camera</p> <p>14 footage from January 16, 2015?</p> <p>15 A. (Witness shakes head negatively.)</p> <p>16 Q. Is that a no?</p> <p>17 A. No.</p> <p>18 Q. Have you requested to see any body</p> <p>19 camera footage from January 16, 2015?</p> <p>20 A. I have not.</p> <p>21 Q. On January 17, 2015, do you recall</p> <p>22 receiving a telephone call from Aaron Helm?</p> <p>23 A. I don't recall.</p>	<p style="text-align: right;">Page 51</p> <p>1 by Gregory M. Carroll; is that correct?</p> <p>2 A. That's correct. And that's not an</p> <p>3 updated list.</p> <p>4 Q. Okay. So the first medication</p> <p>5 you have listed on here is Furosemide; is</p> <p>6 that right?</p> <p>7 A. Yeah.</p> <p>8 Q. Can you tell me what you take this</p> <p>9 medication for? And excuse my reach, but I'm</p> <p>10 just going to point to this medication. Do</p> <p>11 you know what that medication is taken for?</p> <p>12 A. Well, I can tell you some, and</p> <p>13 some, I can't. Most of it is for my heart.</p> <p>14 I've had open heart surgery.</p> <p>15 Q. Okay.</p> <p>16 A. And I'm a diabetic. Some of this</p> <p>17 medication is for diabetes. What's not</p> <p>18 listed on here for diabetes, there is another</p> <p>19 pill that I take for it. Plus, I take four</p> <p>20 shots a day.</p> <p>21 Q. What is that pill?</p> <p>22 A. I couldn't tell you. I'm sorry.</p> <p>23 Q. That's okay. Does any of this</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Do you know who Aaron Helm is?</p> <p>2 A. No.</p> <p>3 Q. Do you recall telling anyone on</p> <p>4 January 17, 2015 as a result of a complaint</p> <p>5 made by telephone that the Rainbow City</p> <p>6 Police Department would get to the bottom of</p> <p>7 what happened on January 16, 2015?</p> <p>8 A. I don't remember that, no.</p> <p>9 Q. When you as Chief of Police receive</p> <p>10 a call in your office at Rainbow City Police</p> <p>11 Department, is there a log that is kept of</p> <p>12 incoming calls?</p> <p>13 A. No.</p> <p>14 Q. Chief, are you on any medication</p> <p>15 today that would impair your ability to</p> <p>16 recall?</p> <p>17 A. I don't know, but I take a lot.</p> <p>18 Q. What medications do you take?</p> <p>19 A. I knew you were going to ask that.</p> <p>20 I take about eighteen pills a day.</p> <p>21 Q. Now, let the record reflect that</p> <p>22 you are handing me a document. And it is</p> <p>23 titled at the top, list of medications taken</p>	<p style="text-align: right;">Page 52</p> <p>1 medication that's listed here -- and there</p> <p>2 are one, two, three, four, five, six, seven,</p> <p>3 eight, nine, ten, eleven, twelve medications</p> <p>4 listed here. Does any of that medication</p> <p>5 impair your ability, your mental capacity at</p> <p>6 all?</p> <p>7 A. The only one that is -- this one</p> <p>8 right here (indicating).</p> <p>9 Q. And you're pointing to the one</p> <p>10 that's spelled --</p> <p>11 A. It's Neurontin.</p> <p>12 Q. Neurontin?</p> <p>13 A. Neurontin.</p> <p>14 Q. And the name that's listed here,</p> <p>15 I'm going to spell that.</p> <p>16 G-a-b-a-p-e-n-t-i-n; is that right?</p> <p>17 A. That's right.</p> <p>18 Q. And you take that three times a</p> <p>19 day?</p> <p>20 A. Yeah.</p> <p>21 Q. Have you taken it this morning?</p> <p>22 A. I take one in the morning, which is</p> <p>23 four hundred milligrams. And then at night,</p>

<p style="text-align: right;">Page 53</p> <p>1 I take twenty-eight hundred milligrams.</p> <p>2 Q. You take how many milligrams?</p> <p>3 A. Twenty-eight hundred.</p> <p>4 Q. Well, now, Mr. Carroll, the dosage</p> <p>5 under that medication says eight hundred</p> <p>6 milligrams.</p> <p>7 A. Right.</p> <p>8 Q. Three times a day.</p> <p>9 A. But the other one that's not listed</p> <p>10 on here is the other Neurontin that I take,</p> <p>11 which is four hundred. I take four hundred</p> <p>12 in the morning and four hundred at night,</p> <p>13 plus those right there.</p> <p>14 Q. Have you taken that medication this</p> <p>15 morning?</p> <p>16 A. I've taken all of that medication</p> <p>17 right there except for the eight hundred. I</p> <p>18 take that at night. And the only other one I</p> <p>19 take is the four hundred milligrams of</p> <p>20 Neurontin.</p> <p>21 Q. Do you feel like sitting here today</p> <p>22 in your deposition you are able to give me as</p> <p>23 accurate answers as you possibly can?</p>	<p style="text-align: right;">Page 55</p> <p>1 A. Talked to the Mayor.</p> <p>2 Q. And did the Mayor tell you why you</p> <p>3 were placed on administrative leave?</p> <p>4 A. He said he didn't know.</p> <p>5 Q. The Mayor said he didn't know?</p> <p>6 A. Yeah.</p> <p>7 Q. Are you aware that the Mayor was at</p> <p>8 that emergency Council meeting on May 5th,</p> <p>9 2016?</p> <p>10 A. I sure am.</p> <p>11 Q. Have you talked to anyone else to</p> <p>12 try to find out why you were placed on</p> <p>13 administrative leave?</p> <p>14 A. Not there.</p> <p>15 Q. Not there?</p> <p>16 A. Right.</p> <p>17 Q. Who else have you talked to to try</p> <p>18 to find out?</p> <p>19 A. My attorney.</p> <p>20 Q. And obviously, you probably know</p> <p>21 this, but I don't want to or need to know</p> <p>22 anything that you have discussed with your</p> <p>23 attorney.</p>
<p style="text-align: right;">Page 54</p> <p>1 A. I will do the best I can.</p> <p>2 Q. Okay. Are you aware that the</p> <p>3 Rainbow City, City Council had a special</p> <p>4 meeting on May 5th, 2016, an emergency</p> <p>5 meeting?</p> <p>6 A. Yes.</p> <p>7 Q. And are you aware that there was a</p> <p>8 motion made to place you on administrative</p> <p>9 leave at that meeting?</p> <p>10 A. Yes.</p> <p>11 Q. And how were you made aware of</p> <p>12 that?</p> <p>13 A. A couple of officers come down</p> <p>14 there and told me.</p> <p>15 Q. Which officers came and told you</p> <p>16 that?</p> <p>17 A. Scott Holderfield and Nick Gaskin.</p> <p>18 Q. Do you know why you were placed on</p> <p>19 administrative leave?</p> <p>20 A. No.</p> <p>21 Q. Have you inquired with anyone at</p> <p>22 Rainbow City why you were placed on</p> <p>23 administrative leave?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Right.</p> <p>2 Q. Did you speak to Anita Bedwell at</p> <p>3 all?</p> <p>4 A. No.</p> <p>5 Q. Do you know who that is?</p> <p>6 A. Yeah.</p> <p>7 Q. Who is Anita Bedwell?</p> <p>8 A. She is Mayor pro tem on the</p> <p>9 Council.</p> <p>10 Q. Do you know who Bobby --</p> <p>11 A. McCartney.</p> <p>12 Q. -- McCartney is?</p> <p>13 A. Right.</p> <p>14 Q. Who is he?</p> <p>15 A. He is just one of the Council</p> <p>16 people.</p> <p>17 Q. Do you know who Tim Ramsey is?</p> <p>18 A. He's Council.</p> <p>19 Q. Larry Keenum?</p> <p>20 A. Council.</p> <p>21 Q. Rick Hill?</p> <p>22 A. Council.</p> <p>23 Q. And so you haven't spoken to any of</p>

<p style="text-align: right;">Page 57</p> <p>1 those names --</p> <p>2 A. No.</p> <p>3 Q. -- I just gave to you about why you</p> <p>4 were placed on administrative leave?</p> <p>5 A. No.</p> <p>6 Q. And the Mayor told you he didn't</p> <p>7 know why you were placed on administrative</p> <p>8 leave.</p> <p>9 A. Yes.</p> <p>10 Q. Now, when the officers came down</p> <p>11 and notified you that you were placed on</p> <p>12 administrative leave, what did you do next?</p> <p>13 A. Turned over my badge and gun.</p> <p>14 Q. Were you instructed or asked to</p> <p>15 turn over your badge and gun?</p> <p>16 A. Yes. I was asked to hand it</p> <p>17 over.</p> <p>18 Q. And who asked you to hand over your</p> <p>19 badge and gun?</p> <p>20 A. Scott Holderfield.</p> <p>21 Q. Mr. Holderfield was promoted to</p> <p>22 Lieutenant; is that right?</p> <p>23 A. Yes. Correct.</p>	<p style="text-align: right;">Page 59</p> <p>1 your belief, there is not a Deputy Chief now</p> <p>2 because he is acting as Chief of Police.</p> <p>3 A. Correct.</p> <p>4 Q. But prior to Jonathan Horton acting</p> <p>5 as Chief of Police after you were placed on</p> <p>6 administrative leave, was he the Deputy</p> <p>7 Chief?</p> <p>8 A. Yes. Correct.</p> <p>9 Q. To your knowledge, was anyone else</p> <p>10 who was employed by the Rainbow City Police</p> <p>11 Department placed on administrative leave?</p> <p>12 A. No.</p> <p>13 Q. Are you APOST certified?</p> <p>14 A. Yes.</p> <p>15 Q. And when did you first become APOST</p> <p>16 certified?</p> <p>17 A. 1990.</p> <p>18 Q. When is the last time you have</p> <p>19 attended any APOST training?</p> <p>20 A. Well, does that mean my executive</p> <p>21 hours as a Chief or --</p> <p>22 Q. That's well said. There is a</p> <p>23 difference between APOST training for a</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. So is he still to your knowledge a</p> <p>2 Lieutenant?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who is acting as Chief</p> <p>5 of Police for Rainbow City while you are on</p> <p>6 administrative leave?</p> <p>7 A. Jonathan Horton.</p> <p>8 Q. Was Jonathan Horton employed by</p> <p>9 Rainbow City prior to you being placed on</p> <p>10 administrative leave?</p> <p>11 A. Yes.</p> <p>12 Q. What was Jonathan Horton's position</p> <p>13 prior to you being placed on administrative</p> <p>14 leave?</p> <p>15 A. Deputy Chief.</p> <p>16 Q. Now, earlier when I asked you if</p> <p>17 there was a Deputy Chief for Rainbow City,</p> <p>18 you said we don't have one.</p> <p>19 A. Well, we didn't, but we do now.</p> <p>20 And I could have misunderstood it, but I</p> <p>21 didn't know exactly when you were talking</p> <p>22 about, is there a Deputy Chief.</p> <p>23 Q. Okay. So your testimony is, under</p>	<p style="text-align: right;">Page 60</p> <p>1 patrol officer and APOST training for a</p> <p>2 Chief, correct?</p> <p>3 A. Correct.</p> <p>4 Q. The executive training for the</p> <p>5 Chief deals more with the administrative</p> <p>6 side, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And in your executive training</p> <p>9 since you have been Chief of Police for</p> <p>10 Rainbow City, have you had any APOST training</p> <p>11 on the use of Tasers?</p> <p>12 A. When we first got the Tasers, I</p> <p>13 went through the --</p> <p>14 Q. You went through the Taser</p> <p>15 training?</p> <p>16 A. Yes.</p> <p>17 Q. And what year was that?</p> <p>18 A. I don't know.</p> <p>19 Q. When you went through the Taser</p> <p>20 training, where did you go to attend the</p> <p>21 Taser training?</p> <p>22 A. It was there at the Rainbow City</p> <p>23 Hall.</p>

<p style="text-align: right;">Page 61</p> <p>1 Q. And who did the Taser training?</p> <p>2 Who was the instructor?</p> <p>3 A. Chase Jenkins.</p> <p>4 Q. Chase Jenkins?</p> <p>5 A. Uh-huh (affirmative response).</p> <p>6 Q. And Mr. Jenkins no longer works for</p> <p>7 the Rainbow City Police Department,</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. How is it that Chase Jenkins was</p> <p>11 the instructor related to Taser training for</p> <p>12 Rainbow City?</p> <p>13 A. He went to an instructor's class so</p> <p>14 he would be certified to teach it.</p> <p>15 Q. Now, you said when we first got the</p> <p>16 Tasers, and when you say we, I assume you</p> <p>17 mean the Rainbow City Police Department?</p> <p>18 A. Yes.</p> <p>19 Q. That's when you went through Taser</p> <p>20 training?</p> <p>21 A. Yes.</p> <p>22 Q. Have you been through a Taser</p> <p>23 training class since Rainbow City purchased</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. Do you know where Lamont Tucker is</p> <p>2 today? And I don't mean today as in this</p> <p>3 day. I mean do you know where he is</p> <p>4 generally?</p> <p>5 A. I think he still works for</p> <p>6 Attalla.</p> <p>7 Q. So Lamont Tucker actually went to</p> <p>8 the Attalla Police Department; is that</p> <p>9 correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Since January 16, 2015, to your</p> <p>12 knowledge, did the Rainbow City Police</p> <p>13 Department conduct any investigation</p> <p>14 regarding the incident that happened at</p> <p>15 Center Stage?</p> <p>16 A. We didn't go into an investigation</p> <p>17 on it because we didn't feel the need in it.</p> <p>18 Q. And who made that decision?</p> <p>19 A. Myself and Chase Jenkins.</p> <p>20 Q. Yourself and who?</p> <p>21 A. Chase Jenkins.</p> <p>22 Q. In January of 2015, what was Chase</p> <p>23 Jenkins' job title?</p>
<p style="text-align: right;">Page 62</p> <p>1 Tasers for the police department?</p> <p>2 A. Not since the initial class.</p> <p>3 Q. As Chief of Police, do you have any</p> <p>4 knowledge concerning how often the patrol</p> <p>5 officers are sent to Taser training?</p> <p>6 A. Well, all the officers that carry a</p> <p>7 Taser has been certified through the City.</p> <p>8 Q. Certified through the City?</p> <p>9 A. Right. I don't think we have sent</p> <p>10 anybody outside the City. The instructors</p> <p>11 have done that.</p> <p>12 Q. Okay. Were you Chief of Police in</p> <p>13 August of 2013?</p> <p>14 A. Correct.</p> <p>15 Q. Do you recall John Bryant attending</p> <p>16 a Taser instructor re-certification course in</p> <p>17 Gadsden in 2013?</p> <p>18 A. I mean, he could have, but I don't</p> <p>19 recall.</p> <p>20 Q. Can you tell me whether or not</p> <p>21 Lamont Tucker still works for the Rainbow</p> <p>22 City Police Department?</p> <p>23 A. He does not.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. He was a Captain.</p> <p>2 Q. And in the hierarchy of the Rainbow</p> <p>3 City Police Department, in January of 2016,</p> <p>4 would he have been the next person under</p> <p>5 you?</p> <p>6 A. Correct.</p> <p>7 Q. Was there more than one Captain at</p> <p>8 Rainbow City in January of 2016?</p> <p>9 A. No. He was the only one.</p> <p>10 Q. So you and Chase Jenkins made the</p> <p>11 determination that there was no need to</p> <p>12 investigate what happened at Center Stage?</p> <p>13 A. We looked at everything. And we</p> <p>14 talked to the guys about what happened, and</p> <p>15 that's probably about the extent of it.</p> <p>16 Q. Well, you didn't look at</p> <p>17 everything, right, because you didn't view</p> <p>18 any body camera footage.</p> <p>19 A. No.</p> <p>20 Q. Right?</p> <p>21 A. Right.</p> <p>22 Q. What guys did you talk to?</p> <p>23 A. We talked to everybody that was</p>

<p style="text-align: right;">Page 65</p> <p>1 present. Gary Morgan, Morris, Gilliland. 2 Q. Fazekas? 3 A. Fazekas. 4 Q. Did you talk to Kimbrough? 5 A. I talked to Kimbrough, John Bryant, 6 Camp Yancey. 7 Q. Anyone else you talked to? 8 A. Not that I recall. 9 Q. Okay. When you talked to Gary 10 Morgan -- strike that. Does the Rainbow City 11 Police Department have an internal affairs 12 investigation department? 13 A. That would usually fall under 14 Captain Jenkins. 15 Q. So in January of 2016, Chase 16 Jenkins made up the entirety of Rainbow 17 City's internal affairs department? 18 A. Pretty much, yes. 19 Q. When you talked to Gary Morgan 20 about the events that occurred on January 16, 21 2015 at Center Stage, were you and Chase 22 Jenkins present? 23 A. I do not think Chase was there at</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Can you give me a time frame as to 2 how soon after January 16, 2015 you may have 3 seen that statement? 4 A. It was probably on a Monday 5 following the incident. 6 Q. The Monday following the 7 incident? 8 A. A Monday or Tuesday. 9 Q. Have you ever seen a use of force 10 statement completed by George Morris 11 regarding use of force on January 16, 2015? 12 A. Yes. 13 Q. Have you ever seen any type of 14 written statement from Justin Gilliland 15 regarding the events that occurred at Center 16 Stage on January 16, 2015? 17 A. I don't recall. 18 Q. Have you ever seen a statement 19 authored by James or Jimmy Fazekas regarding 20 the events that occurred on January 16, 21 2015? 22 A. I don't recall. 23 Q. Have you ever seen a statement</p>
<p style="text-align: right;">Page 66</p> <p>1 the time. 2 Q. Did you have Gary Morgan write any 3 type of statement concerning what happened on 4 the night of January 16, 2015? 5 A. I don't believe he wrote a 6 statement. 7 Q. Have you ever seen a statement from 8 Gary Morgan regarding the events of January 9 16, 2015? 10 A. Huh-uh (indicating no). 11 Q. Is that a no? 12 A. That's a no. I'm sorry. 13 Q. Have you ever seen a use of force 14 statement that was filled out -- that may 15 have been filled out by Gary Morgan related 16 to the events that occurred on January 16, 17 2015? 18 A. Yes. 19 Q. When did you first see a use of 20 force statement completed by Gary Morgan 21 related to the events that occurred on 22 January 16, 2015? 23 A. I don't recall the exact date.</p>	<p style="text-align: right;">Page 68</p> <p>1 authored by Timothy Kimbrough regarding the 2 events that occurred at Center Stage on 3 January 16, 2015? 4 A. I don't recall. 5 Q. Have you ever seen a statement 6 authored by John Bryant regarding the events 7 that occurred at Center Stage on January 16, 8 2015? 9 A. I don't recall. 10 Q. To your knowledge, did Camp Yancey 11 fill out a statement regarding the events 12 that occurred at Center Stage on January 16, 13 2015? 14 A. I don't recall. 15 Q. Did you speak to Camp Yancey 16 about -- or you told me you spoke to Camp 17 Yancey. 18 A. Yeah. We talked, but I don't 19 remember if he filled out a statement or 20 not. 21 Q. When you say we talked, who was 22 present when you spoke to Camp Yancey about 23 the events that occurred at Center Stage on</p>

<p style="text-align: right;">Page 69</p> <p>1 January 16, 2015?</p> <p>2 A. I don't remember who all was</p> <p>3 present. It was talking like there was two</p> <p>4 or three of us standing there and we were</p> <p>5 discussing it.</p> <p>6 Q. So it's fair to say, this wasn't</p> <p>7 any type of formal --</p> <p>8 A. No.</p> <p>9 Q. -- interview with Camp Yancey.</p> <p>10 A. No.</p> <p>11 Q. Would that be true for all of the</p> <p>12 people that you spoke to about the events?</p> <p>13 A. Probably, yes.</p> <p>14 MR. HARP: All right. Do you want</p> <p>15 to take a break?</p> <p>16 THE WITNESS: Sure.</p> <p>17</p> <p>18 (Whereupon, a brief recess was</p> <p>19 taken.)</p> <p>20</p> <p>21 Q. Okay. Mr. Carroll, we're back on</p> <p>22 the record after a short break. What was</p> <p>23 your last day -- I understand you are still</p>	<p style="text-align: right;">Page 71</p> <p>1 A. Yes.</p> <p>2 Q. And in that conversation, did the</p> <p>3 subject of this lawsuit come up?</p> <p>4 A. Quite possibly, yes.</p> <p>5 Q. What was the substance of the</p> <p>6 conversation related to this lawsuit that you</p> <p>7 had with Gary Morgan?</p> <p>8 A. That, I don't recall, because we</p> <p>9 talked about several things.</p> <p>10 Q. Do you recall whether or not Gary</p> <p>11 Morgan expressed concern that he would be</p> <p>12 named as a Defendant in this lawsuit?</p> <p>13 A. Yes.</p> <p>14 Q. Yes, he expressed that concern?</p> <p>15 A. Yes.</p> <p>16 Q. And what, if anything, did you say</p> <p>17 to Gary Morgan in response to him expressing</p> <p>18 concern that he would be named as a Defendant</p> <p>19 in this lawsuit?</p> <p>20 A. I don't recall what I said.</p> <p>21 Q. Did Gary Morgan tell you that this</p> <p>22 lawsuit and the possibility of being sued was</p> <p>23 one of the reasons he was leaving the Rainbow</p>
<p style="text-align: right;">Page 70</p> <p>1 employed by the Rainbow City Police</p> <p>2 Department, but what day did you actually go</p> <p>3 on administrative leave?</p> <p>4 A. Thursday before last.</p> <p>5 Q. Thursday before last?</p> <p>6 A. Yeah. I think that's it.</p> <p>7 Q. To your knowledge, does Gary Morgan</p> <p>8 still work for the Rainbow City Police</p> <p>9 Department?</p> <p>10 A. He does not, no.</p> <p>11 Q. Do you know why Gary Morgan left</p> <p>12 working for the Rainbow City Police</p> <p>13 Department?</p> <p>14 A. He resigned.</p> <p>15 Q. Do you know why Gary Morgan</p> <p>16 resigned from the Rainbow City Police</p> <p>17 Department?</p> <p>18 A. I think he felt like he was not</p> <p>19 going anywhere and that it was in his best</p> <p>20 interest.</p> <p>21 Q. Did you have a conversation with</p> <p>22 Gary Morgan about why he was resigning from</p> <p>23 the Rainbow City Police Department?</p>	<p style="text-align: right;">Page 72</p> <p>1 City Police Department?</p> <p>2 A. No.</p> <p>3 Q. Did Gary Morgan tell you that he</p> <p>4 had concerns about the manner in which police</p> <p>5 officers within the Rainbow City Police</p> <p>6 Department conducted themselves?</p> <p>7 A. No.</p> <p>8 Q. Besides this lawsuit that you're</p> <p>9 currently involved in, have you ever been</p> <p>10 named as a Defendant in a lawsuit before?</p> <p>11 A. No.</p> <p>12 Q. Since you have been Chief of Police</p> <p>13 for Rainbow City, has Rainbow City ever been</p> <p>14 sued by anyone for excessive force to your</p> <p>15 knowledge?</p> <p>16 A. No.</p> <p>17 Q. Since you have been Chief of Police</p> <p>18 for Rainbow City, has Rainbow City been sued</p> <p>19 for any acts related to the conduct of its</p> <p>20 police officers?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Do you recall a lawsuit being filed</p> <p>23 when a Rainbow City police officer shot and</p>

<p style="text-align: right;">Page 73</p> <p>1 killed a person in his front yard?</p> <p>2 A. I don't remember a lawsuit, no.</p> <p>3 Q. You don't remember there being a</p> <p>4 lawsuit about that?</p> <p>5 A. No.</p> <p>6 Q. Now, you told me that on January</p> <p>7 16, 2015 -- or in January of 2015, at least,</p> <p>8 the persons who would have investigated</p> <p>9 incidents such as as the one that occurred at</p> <p>10 Center Stage would have been limited to you</p> <p>11 and Chase Jenkins, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Does Rainbow City Police Department</p> <p>14 have a written use of force policy?</p> <p>15 A. Yes.</p> <p>16 Q. Where is that kept?</p> <p>17 A. It's in the SOP manual.</p> <p>18 Q. Does Rainbow City Police Department</p> <p>19 have a policy specific to the use of force of</p> <p>20 Tasers?</p> <p>21 A. I think that's included in the use</p> <p>22 of force.</p> <p>23 Q. It's included in the general use of</p>	<p style="text-align: right;">Page 75</p> <p>1 when Ragan was Chief there.</p> <p>2 Q. Ronald Reagan?</p> <p>3 A. No. I'm sorry.</p> <p>4 Q. Oh, you mean Allen Ragan.</p> <p>5 A. Allen Ragan.</p> <p>6 Q. All right. And that would have</p> <p>7 been prior to you becoming Chief --</p> <p>8 A. In 2012.</p> <p>9 Q. 2012. Now, that was a question</p> <p>10 about a general update to the SOP manual.</p> <p>11 A. Right.</p> <p>12 Q. When is the last time you recall</p> <p>13 there being an update to the use of force</p> <p>14 policy contained in the SOP manual?</p> <p>15 A. I don't recall.</p> <p>16 Q. Who would be responsible for</p> <p>17 ensuring that the most current information on</p> <p>18 use of force was contained in the SOP</p> <p>19 manual?</p> <p>20 A. That would have been Chase Jenkins.</p> <p>21 Q. Chase Jenkins was a Captain then,</p> <p>22 correct?</p> <p>23 A. That's correct.</p>
<p style="text-align: right;">Page 74</p> <p>1 force policy?</p> <p>2 A. Yes, I believe.</p> <p>3 Q. Is the SOP manual issued to all</p> <p>4 Rainbow City Police Department employees?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell me, based on your</p> <p>7 knowledge, the last time the use of force</p> <p>8 policy for the Rainbow City Police Department</p> <p>9 as found in its SOP manual was updated?</p> <p>10 A. I don't recall.</p> <p>11 Q. Has it been within the last five</p> <p>12 years?</p> <p>13 A. I don't recall.</p> <p>14 Q. You have been employed by Rainbow</p> <p>15 City since 1999, correct?</p> <p>16 A. Right.</p> <p>17 Q. Were you issued an SOP manual when</p> <p>18 you first became an employee?</p> <p>19 A. Yes.</p> <p>20 Q. When is the last time that you</p> <p>21 received an update to your SOP manual?</p> <p>22 A. Probably, I want to say, there was</p> <p>23 an update done under the Ragan administration</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And he was a Captain in January of</p> <p>2 2016; is that right?</p> <p>3 A. I'm not sure on that.</p> <p>4 Q. Okay.</p> <p>5 MR. HOWARD: Did you say 2016?</p> <p>6 MR. HARP: I'm sorry, 2015.</p> <p>7</p> <p>8 A. 2015. Yes, he was.</p> <p>9 Q. Okay. Let me show you what I'm</p> <p>10 going to mark as Plaintiff's Exhibit Number</p> <p>11 5. And I will represent to you that this is</p> <p>12 the Rainbow City Police Department's use of</p> <p>13 force form report that was emailed to me by</p> <p>14 Mr. Howard's office. And it relates to</p> <p>15 George H. Morris.</p> <p>16</p> <p>17 (Plaintiff's Exhibit Number 5 was</p> <p>18 marked for identification and same is</p> <p>19 attached hereto.)</p> <p>20</p> <p>21 A. (Witness reviewing document.)</p> <p>22 Q. Do you recognize that document?</p> <p>23 A. Yes.</p>

<p style="text-align: right;">Page 77</p> <p>1 Q. Have you ever seen that document</p> <p>2 before?</p> <p>3 A. Yes.</p> <p>4 Q. Turn to page two of that document.</p> <p>5 Do you see down at the bottom where it says</p> <p>6 reviewed by Chief of Police?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recognize that signature?</p> <p>9 A. Yes.</p> <p>10 Q. And whose signature is that?</p> <p>11 A. That's mine.</p> <p>12 Q. Did you date it?</p> <p>13 A. Yes.</p> <p>14 Q. And you dated it 1-19-15,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. When you reviewed this document,</p> <p>18 which is the use of force form for Rainbow</p> <p>19 City Police Department, what were you</p> <p>20 reviewing it for?</p> <p>21 A. Well, it's always got to meet my</p> <p>22 approval and to be sure that it was done</p> <p>23 correctly. And, of course, the immediate</p>	<p style="text-align: right;">Page 79</p> <p>1 A. I would say George Morris did.</p> <p>2 Q. But you don't know that, correct?</p> <p>3 A. Right. Correct.</p> <p>4 Q. Now, the document does have some</p> <p>5 errors though, correct? If you go back to</p> <p>6 the first page, do you see Taser, slash,</p> <p>7 firearm serial number?</p> <p>8 A. Yes.</p> <p>9 Q. That's not actually a serial number</p> <p>10 there, is it?</p> <p>11 A. No.</p> <p>12 Q. That's actually the model number of</p> <p>13 a Taser, correct?</p> <p>14 A. Yes.</p> <p>15 Q. That is the X-26, which is the</p> <p>16 Taser that's carried by the Rainbow City</p> <p>17 Police Department officers, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Did you have any conversation with</p> <p>20 George Morris about this use of force form</p> <p>21 and report that was filled out?</p> <p>22 A. No.</p> <p>23 Q. How did you verify the information</p>
<p style="text-align: right;">Page 78</p> <p>1 supervisor signs off on it first after he</p> <p>2 reviews it. And then he brings it to me, and</p> <p>3 I look over it. And then I sign off on it.</p> <p>4 Q. Okay. Do you see the signature of</p> <p>5 an immediate supervisor on this document?</p> <p>6 A. Yes.</p> <p>7 Q. And are you referring to where it</p> <p>8 says C. Jenkins?</p> <p>9 A. Yes.</p> <p>10 Q. Now, do you recognize Chase</p> <p>11 Jenkins' signature when you see it?</p> <p>12 A. Yeah.</p> <p>13 Q. Is that the way Chase Jenkins signs</p> <p>14 documents?</p> <p>15 A. I don't recall, but I mean --</p> <p>16 Q. Were you present when George Morris</p> <p>17 filled this document out?</p> <p>18 A. No.</p> <p>19 Q. Do you know if Mr. Morris actually</p> <p>20 filled this document out?</p> <p>21 A. No.</p> <p>22 Q. You don't know who actually filled</p> <p>23 this document out, correct?</p>	<p style="text-align: right;">Page 80</p> <p>1 to be accurate?</p> <p>2 A. Well, the way I verified that it</p> <p>3 was accurate was the fact that I was there.</p> <p>4 Q. The fact that you were there?</p> <p>5 A. Yes.</p> <p>6 Q. So you believe that everything that</p> <p>7 George Morris has on this use of force form</p> <p>8 report is accurate because you were there.</p> <p>9 A. Yes.</p> <p>10 Q. Did you witness George Morris Taser</p> <p>11 T.H.?</p> <p>12 A. Yes, I did.</p> <p>13 Q. How many times did you witness</p> <p>14 George Morris Taser T.H.?</p> <p>15 A. One time.</p> <p>16 Q. Okay. To your knowledge, has any</p> <p>17 other police officer said that there was more</p> <p>18 than one Taser -- that T.H. was Tasered more</p> <p>19 than one time?</p> <p>20 A. No.</p> <p>21 Q. No?</p> <p>22 A. No. I was there when George Morris</p> <p>23 Tasered her one time, probably a second, two</p>

<p style="text-align: right;">Page 81</p> <p>1 at the most on a dry stun.</p> <p>2 Q. Okay. And when he Tasered her that</p> <p>3 one time that you saw, was she being held</p> <p>4 down?</p> <p>5 A. Yes.</p> <p>6 Q. And who was she being held down</p> <p>7 by?</p> <p>8 A. Kimbrough was on her legs. I don't</p> <p>9 know. There was some Center Stage workers</p> <p>10 that were holding her shoulders down.</p> <p>11 Q. So while T.H. was being Tasered,</p> <p>12 drive stunned by George Morris, Center Stage</p> <p>13 workers who were not police officers was</p> <p>14 holding her down.</p> <p>15 A. Yes. There was one back there by</p> <p>16 her head. And he was trying to hold her head</p> <p>17 steady because she had been hitting it on the</p> <p>18 concrete.</p> <p>19</p> <p>20 (Plaintiff's Exhibit Number 6 was</p> <p>21 marked for identification and same is</p> <p>22 attached hereto.)</p> <p>23</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. Do you see the white material on</p> <p>2 her arm?</p> <p>3 A. Yes.</p> <p>4 Q. What does that appear to be to you?</p> <p>5 A. It looks like tape.</p> <p>6 Q. Okay. Now, do you see the person</p> <p>7 in the blue and white plaid shirt?</p> <p>8 A. Yes.</p> <p>9 Q. Do you identify that as a Rainbow</p> <p>10 City Police Department officer?</p> <p>11 A. No.</p> <p>12 Q. Do you identify that as a Rainbow</p> <p>13 City Police Department off duty officer?</p> <p>14 A. No.</p> <p>15 Q. Do you know who that person holding</p> <p>16 down T.H. in this photograph is?</p> <p>17 MR. STUBBS: Object to the form.</p> <p>18 Go ahead.</p> <p>19</p> <p>20 A. No.</p> <p>21 Q. Were you present at the time that</p> <p>22 person in the blue plaid shirt was at the</p> <p>23 head of T.H. while she was lying on the</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Okay. Let me show you what I've</p> <p>2 marked as Plaintiff's Exhibit Number 6 to</p> <p>3 your deposition. Do you recognize that scene</p> <p>4 that's depicted in that photograph?</p> <p>5 A. Yes.</p> <p>6 Q. What do you recognize that scene to</p> <p>7 be that's depicted in that photograph?</p> <p>8 A. That's the medics that were working</p> <p>9 on her that started an IV, I think, or made</p> <p>10 an attempt to start an IV.</p> <p>11 Q. If you look at the photograph on</p> <p>12 the right-hand side, do you see the line</p> <p>13 that's hanging down on the side of that</p> <p>14 photograph?</p> <p>15 A. Yes.</p> <p>16 Q. Have you seen an IV line before?</p> <p>17 A. Yes.</p> <p>18 Q. Would you recognize one if you saw</p> <p>19 it in a photograph?</p> <p>20 A. Well, it looks like one.</p> <p>21 Q. Okay. And where does it look like</p> <p>22 that IV line is going?</p> <p>23 A. To her arm.</p>	<p style="text-align: right;">Page 84</p> <p>1 ground?</p> <p>2 A. No.</p> <p>3 Q. You were not present when this --</p> <p>4 A. Not at this particular time. I</p> <p>5 remember walking by, and I remember the</p> <p>6 medics working on her.</p> <p>7 Q. You remember walking by?</p> <p>8 A. Yeah.</p> <p>9 Q. You didn't stop?</p> <p>10 A. No.</p> <p>11 Q. Was this before or after you</p> <p>12 witnessed George Morris Taser her?</p> <p>13 A. This would be before.</p> <p>14 Q. So before George Morris Tasered</p> <p>15 T.H., she had an IV line in her, correct?</p> <p>16 A. Before he Tasered her, she had an</p> <p>17 IV line?</p> <p>18 Q. Yes. You said this photograph</p> <p>19 would represent before George Morris Tasered</p> <p>20 her, correct?</p> <p>21 A. No. I'm sorry. This is after he</p> <p>22 Tasered her.</p> <p>23 Q. You think this photograph was taken</p>

<p style="text-align: right;">Page 85</p> <p>1 after George Morris Tasered T.H. 2 A. Yeah. 3 Q. Is that a yes? 4 A. Yes. 5 Q. And you remember walking by this 6 particular scene, correct? 7 A. I just remember seeing her on the 8 ground. And I remember seeing the medics 9 working on her. Now, this particular scene 10 right here, I can't tell you yes on that. 11 Q. Okay. Well, were the medics 12 working on T.H. before she was tased by 13 George Morris? 14 A. No. 15 Q. So the medics worked on T.H. after 16 she was tased. 17 A. Correct. 18 Q. And after you saw George Morris 19 Taser T.H., which you say happened one 20 time -- 21 A. Right. 22 Q. -- what did you do? 23 A. If I'm not mistaken, that's when I</p>	<p style="text-align: right;">Page 87</p> <p>1 A. I think just talk from the other 2 officers. 3 Q. So you heard other officers say 4 that T.H.'s little sister told the Rainbow 5 City police officers that -- 6 A. This was after the fact. This was 7 after. 8 Q. Right. That's what I want to know, 9 what you heard after the fact from these 10 Rainbow City police officers. 11 A. Right. 12 Q. So let me ask that question again 13 just so we're clear. Remember my rule. If 14 you don't understand a question -- 15 A. Sure. 16 Q. -- don't start answering it. 17 Okay? 18 A. Okay. 19 Q. Because I'm going to assume that 20 you understood it. 21 A. Right. 22 Q. So my question is, after this event 23 occurred on January 16, 2015, did you hear</p>
<p style="text-align: right;">Page 86</p> <p>1 walked away and made a phone call. 2 Q. Who did you call? 3 A. City Hall. 4 Q. Why did you call City Hall? 5 A. To find out where the medics were 6 at because I felt like it was taking longer 7 than necessary and they was needed. 8 Q. Why did you feel like you needed 9 the medics? 10 A. Well, obviously, she was having a 11 problem, you know. And it could have been 12 drugs, alcohol. It could have been 13 anything. 14 Q. Well, are you aware that T.H.'s 15 sister had told Rainbow City police officers 16 prior to her being tased that she was having 17 a medical emergency? 18 MS. CHANDLER: Object to the form. 19 20 A. No. 21 Q. Have you ever heard that before? 22 A. Yeah. I've heard it. 23 Q. Who did you hear that from?</p>	<p style="text-align: right;">Page 88</p> <p>1 Rainbow City police officers discussing the 2 fact that T.H.'s little sister had told them 3 that she was having a medical emergency? 4 A. I don't recall that, no. 5 Q. Okay. I'm going to show you what I 6 will mark as Plaintiff's Exhibit Number 7 to 7 your deposition. And by way of further 8 identification, it is a statement of Justin 9 Gilliland. 10 11 (Plaintiff's Exhibit Number 7 was 12 marked for identification and same is 13 attached hereto.) 14 15 A. (Witness reviewing document.) 16 Q. Just let me know when you're ready, 17 and we'll talk about it. 18 A. Okay. 19 Q. Now, Mr. Carroll, after you saw 20 George Morris use his Taser on T.H. the first 21 time, how long did you remain in that area? 22 A. Probably three or four minutes. 23 Q. Are you aware that T.H. was</p>

<p style="text-align: right;">Page 89</p> <p>1 eventually strapped to a gurney on the night 2 of January 16, 2015? 3 A. Yes. 4 Q. Were you still present in that area 5 at the time that T.H. was strapped to the 6 gurney? 7 A. I had walked from inside the 8 concert hall back out to the front of the 9 building when they were loading her up and 10 taking her out. 11 Q. You had a chance to read Justin 12 Gilliland's statement, correct? 13 A. Correct. 14 Q. And your testimony earlier this 15 morning was that you had never seen a 16 statement from Justin Gilliland, correct? 17 A. I said I don't recall. 18 Q. Well, does seeing that document 19 refresh your recollection as to whether or 20 not you have seen it before today? 21 A. Not really, no. 22 Q. So you still don't recall whether 23 or not you have seen this document before?</p>	<p style="text-align: right;">Page 91</p> <p>1 the Rainbow City Police Department? 2 A. Correct. 3 Q. Did you promote Justin Gilliland to 4 Detective? 5 A. Correct. 6 Q. Did you feel that he was competent 7 to be a Detective? 8 A. Yes. 9 Q. Well, is there some hesitancy in 10 your answer about that question? 11 A. Well, he had never been a Detective 12 before, so I have a department full of young 13 men that has not got Detective experience. 14 And so we had to put somebody upstairs to 15 work the cases and so we picked Justin. 16 Q. Why? 17 A. Well, we picked him. He was 18 probably one of the more senior officers. 19 And he had road experience, so we felt like 20 he might work out. 21 Q. And has he worked out? 22 A. He has done a fair job, yes. 23 Q. A fair job?</p>
<p style="text-align: right;">Page 90</p> <p>1 A. No. 2 Q. You had a chance to look over it 3 before I started asking you questions about 4 it. Did you read the portion of Justin 5 Gilliland's statement in which he says that 6 T.H. was tased -- and sometimes I'm going to 7 say tased and sometimes Tasered, but you 8 understand -- 9 A. Yes. 10 Q. Did you read the portion of his 11 statement where he said that T.H. was Tasered 12 by George Morris twice? 13 A. I did. 14 Q. Okay. Do you have any reason to 15 dispute that? 16 A. Well, I can't say because I didn't 17 see the second Taser. 18 Q. Well, Justin Gilliland is a 19 Detective at the Rainbow City Police 20 Department, correct? 21 A. Correct. 22 Q. And were you the Chief of Police 23 when Justin Gilliland became Detective for</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yes. 2 Q. Have there been times when Justin 3 Gilliland's work as a Detective was not up to 4 your standards? 5 A. No. I mean, when you've just got 6 two people up there, and you've got dozens of 7 cases coming in, those people are limited 8 because you can't just stay on one case for a 9 real long time. You've got to move on 10 because they just stack up on you. When you 11 ain't got but two people, you're going to get 12 behind. 13 Q. Okay. Do you have any reason to 14 believe that Justin Gilliland was wrong when 15 he said that George Morris Tasered T.H. two 16 times? 17 A. Right. I don't have any reason to 18 dispute it. I can only say that I was 19 present when the first one happened. 20 Q. So you're not disputing that it 21 happened. You're just saying you didn't see 22 it happen. 23 A. Correct.</p>

<p style="text-align: right;">Page 93</p> <p>1 Q. So if Mr. Gilliland says he saw it 2 happen, you would have no reason to dispute 3 that. 4 MR. STUBBS: Object to the form. 5 6 A. I can't call him a liar. 7 Q. Well, you can if you want to. 8 A. Well, I'm not going to do that. 9 Q. Okay. So do you think he is 10 mistaken? 11 A. Well, if he said it happened, then 12 I have no reason to believe that it didn't 13 happen. 14 Q. All right. Let's go back to the 15 use of force form that was filled out by 16 Sergeant Morris at that time. It's right 17 here, Plaintiff's Exhibit Number 5. 18 A. Okay. 19 Q. Now, if you look at the second 20 page, there is a diagram of a male figure. 21 And the instructions are to place an "X" 22 indicating where contact occurred. Do you 23 see that?</p>	<p style="text-align: right;">Page 95</p> <p>1 handwritten notes, it says, open paren, one, 2 close paren, drive stun approximately two 3 seconds, right? 4 A. Yeah. 5 Q. So on Sergeant Morris' use of force 6 report, there is no indication by him that he 7 actually Tasered T.H. more than one time, is 8 there? 9 A. No. 10 Q. In fact, he says he did it one 11 time. 12 A. Correct. 13 Q. But then we have a Detective for 14 the Rainbow City Police Department that says 15 he personally observed Sergeant Morris do it 16 two times. 17 MR. STUBBS: Object to the form. 18 19 Q. Is that right? 20 A. That's correct. 21 Q. So what do you as Chief of Police 22 do in a situation where you have reviewed the 23 use of force form and it says he stunned her</p>
<p style="text-align: right;">Page 94</p> <p>1 A. Yes. 2 Q. And do you see the handwriting 3 that's written out beside the male figure 4 where it says, open paren, number one, close 5 paren, drive stun approximately two 6 seconds? 7 A. Yeah. I see the one that says, 8 drive stun approximately two seconds. 9 Q. But do you know whose handwriting 10 that is? 11 A. No. 12 Q. So you don't know who wrote that. 13 A. No. 14 Q. Do you see any "Xs" on that male 15 figure that would indicate where the contact 16 occurred? 17 A. Well, it looks like the contact 18 occurred on the chest area. 19 Q. How many "Xs" do you see? 20 A. I see one. 21 Q. Do you see two? 22 A. No. 23 Q. Okay. And over there in the</p>	<p style="text-align: right;">Page 96</p> <p>1 one time, and then you have Justin 2 Gilliland's report where it says he stunned 3 her at least two times? 4 MS. CHANDLER: Object to the form. 5 MR. STUBBS: Object to the form. 6 7 A. Well, I see this, but I don't 8 remember seeing the statement that Gilliland 9 wrote. 10 Q. And there was never an 11 investigation done into the use of force by 12 Morris on the minor, was there? 13 A. No. 14 Q. Does Rainbow City Police Department 15 have a policy in place to investigate 16 incidences where use of force occurs on a 17 minor? 18 A. No. 19 Q. So there is nothing in the SOP 20 about that? 21 A. Not that I recall. 22 Q. Does Rainbow City have a policy in 23 place in the SOP or anywhere else regarding</p>

<p style="text-align: right;">Page 97</p> <p>1 the use of force on someone who is having a 2 medical condition? 3 MR. STUBBS: I want to enter a 4 standard objection to the extent that he is 5 being asked as -- 6 MR. HARP: I'm asking what his 7 knowledge is as Chief of Police of Rainbow 8 City. 9 MR. STUBBS: I still maintain the 10 objection as to any policy statements for 11 this witness, but I understand your question. 12 Q. Do you understand my question? 13 A. No. I will ask you to repeat it. 14 Q. Okay. I will ask it again. To 15 your knowledge, your personal knowledge, does 16 Rainbow City Police Department have a policy 17 in place regarding the use of force on people 18 having medical emergencies? 19 A. Not to my knowledge. 20 Q. And you went through Taser training 21 that was offered by Chase Jenkins, correct? 22 A. Correct. 23 Q. And that was back when Rainbow City</p>	<p style="text-align: right;">Page 99</p> <p>1 marked for identification and same is 2 attached hereto.) 3 4 A. (Witness reviewing document.) 5 Q. Have you ever seen that document 6 before today, a copy of that document? 7 A. No. 8 Q. You have to speak up just a little 9 bit. 10 A. No. 11 Q. Do you know what this document 12 is? 13 A. It's a statement from Lieutenant 14 Morris about what happened with her. 15 Q. And the date of this document is 16 1-21-2015, correct? 17 A. Correct. 18 Q. So he would not have been 19 Lieutenant Morris on 1-21-2015, correct? 20 A. Correct. 21 Q. He would have been Sergeant Morris. 22 A. Correct. 23 Q. And do you know why this statement</p>
<p style="text-align: right;">Page 98</p> <p>1 first purchased Tasers for the police 2 department, right? 3 A. Correct. 4 Q. Have you gone through any 5 subsequent Taser training since you went 6 through that training with Chase Jenkins you 7 testified about earlier? 8 A. I have not. 9 Q. How often do the officers at 10 Rainbow City Police Department have to go 11 through Taser training? 12 A. Once you've been Taser trained, 13 that's usually it. We haven't had a 14 re-certification. 15 Q. There is no re-certification 16 process? 17 A. No, not to my knowledge. 18 Q. Okay. I'm going to show you what I 19 will mark as Plaintiff's Exhibit Number 8 to 20 your deposition. And I will ask you if 21 you've ever seen that document before. 22 23 (Plaintiff's Exhibit Number 8 was</p>	<p style="text-align: right;">Page 100</p> <p>1 was written? 2 A. To document what he done. 3 Q. Yes. Do you know who told him to 4 document what he did? 5 A. I'm sure that Chase Jenkins did. 6 Q. Do you know why Chase Jenkins would 7 have told him to document what he did on 8 1-21-2015? 9 A. Most incidents like that, you know, 10 he handled, so yeah. 11 Q. When you say most incidents like 12 that, is that not the first time there has 13 been an incident like that while you were 14 Chief of Police at Rainbow City? 15 A. That's the first like this, yes. 16 Q. This is the first time that a minor 17 has been Tasered? 18 A. No. I think minors have been tased 19 before, but I don't recall when. 20 Q. Since you have been Chief of 21 Police? 22 A. I don't recall. 23 Q. So it's your testimony sitting here</p>

<p style="text-align: right;">Page 101</p> <p>1 today that this tasing incident with T.H. is 2 not the first incident for the Rainbow City 3 Police Department where minors have been 4 Tasered? 5 A. I don't recall. 6 Q. Well, earlier you said minors have 7 been tased before. 8 A. I'm just saying it's a possibility 9 that they have. I just don't remember. 10 Q. Is there a written policy about at 11 what age a Taser can be used on a person? 12 A. No. I don't think the policy 13 says. 14 Q. When you personally went through 15 Taser training that was conducted by Chase 16 Jenkins, was there any instruction given 17 about not using a Taser on a minor? 18 A. No. 19 Q. Okay. And this statement that I 20 just showed you, which is Plaintiff's Exhibit 21 Number 8, it's your testimony you have never 22 seen it before today; is that correct? 23 A. That's correct.</p>	<p style="text-align: right;">Page 103</p> <p>1 Q. Can you read that into the record, 2 please? 3 A. Helms appeared to be having some 4 type of a seizure and several officers were 5 holding her arms and legs to keep her from 6 flopping around on the ground and possibly 7 hurting herself. 8 Q. Okay. Now, prior to that, is there 9 any mention in this document about her being 10 Tasered? 11 A. No. 12 Q. Okay. If you go with me to the 13 second page of this document, I'm going to go 14 one, two, three, four, five lines down. And 15 it starts with Tia. And I will represent 16 to you that Tia is misspelled. Do you see 17 that? 18 A. Correct. Yes. 19 Q. Okay. Could you read that starting 20 at that line? 21 A. Tia Helms came out of her seizure 22 and started trying to attack officers that 23 were trying to help her screaming you mother</p>
<p style="text-align: right;">Page 102</p> <p>1 Q. And you had a chance to read it, 2 right? 3 A. Yes. 4 Q. Okay. Do you recognize the 5 signature at the bottom right-hand corner of 6 that document? 7 A. No. 8 Q. You don't know whose signature that 9 is? 10 A. Well, I'm assuming that that is 11 George Morris. 12 Q. Well, I don't want you to assume. 13 A. I'm sorry. 14 Q. I'm not getting on to you. I just 15 don't want to get you in trouble, so if you 16 don't know, just tell me I don't know. 17 A. Well, I can't read it, so I would 18 have to say I don't know. 19 Q. All right. Well, if you look back 20 on the first page, do you see, I'm going to 21 call it the second paragraph where it starts 22 with Helm? 23 A. Yes.</p>	<p style="text-align: right;">Page 104</p> <p>1 fuckers. Ms. Helms was out of control and 2 officers were trying to get her to calm down 3 and to let the medics come and check her. 4 Helms refused all commands and continued to 5 cuss and break free of officers. 6 Q. Okay. Let me stop you right there. 7 A. Okay. 8 Q. So were you present during this 9 narrative? When this occurred at Center 10 Stage, were you present? Did you witness 11 that behavior? 12 A. I witnessed the behavior. 13 Q. Okay. Was T.H. being held down at 14 that time? 15 A. When I came out into the room, she 16 was being held down by maybe three people. 17 Q. Who were those people? 18 A. Timothy Kimbrough, a Center Stage 19 worker was at her head, and Sergeant Morris 20 was by her side. 21 Q. So you had two Rainbow City police 22 officers. And they are grown men, correct? 23 A. Correct.</p>

<p style="text-align: right;">Page 105</p> <p>1 Q. And then you had a Center Stage 2 employee at her head, correct? 3 A. Correct. 4 Q. And they were all holding her down. 5 A. Correct. 6 Q. And according to this document that 7 you've never seen before, and I understand 8 that, but according to this document that 9 says this is the statement of George Morris, 10 he indicates that she appeared to be having a 11 seizure, correct? 12 A. Correct. 13 Q. And he also indicates that at some 14 point, she started to come out of her 15 seizure, correct? 16 A. Correct. 17 Q. Did you ever observe Ms. Helm 18 appear to be having a seizure? 19 A. No. 20 Q. So even though George Morris says 21 that she appeared to be having a seizure, and 22 even though Justin Gilliland in his statement 23 says she appeared to be having a seizure,</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. Now, do you see anything in this 2 statement up and to the point that you've 3 read out loud into the record where she has 4 been Tasered by George Morris? 5 A. Not to the part that I read. Once 6 you get on down, yes. 7 Q. In reading this document, do you 8 see anywhere in the document where George 9 Morris says he tased her more than one 10 time? 11 A. No. 12 Q. And you said you had some general 13 conversations with George Morris. Did he 14 ever tell you that he tased her more than one 15 time? 16 A. Never, no. 17 Q. And that's an important thing to 18 know, right? 19 A. Sure. 20 MS. CHANDLER: Object to the form. 21 22 Q. Is that right? 23 A. Yeah.</p>
<p style="text-align: right;">Page 106</p> <p>1 your testimony is you didn't observe that. 2 MR. STUBBS: Object to the form. 3 4 A. I did not observe the part where -- 5 I've never seen anybody with a seizure 6 before, so I can't tell you that. But I can 7 say that when I came out into the room, she 8 was flopping and she was cussing everybody 9 out. 10 Q. Okay. And so because you've never 11 seen anyone have a seizure before, you don't 12 know how a person reacts when that occurs, do 13 you? 14 A. No. 15 Q. You don't know what bodily 16 functions happen, do you? 17 A. No. 18 Q. And you don't know what verbal 19 manifestations may occur, do you? 20 A. I don't understand that question. 21 Q. You don't know what a person might 22 say while they are having a seizure. 23 A. No. No.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And that's an important thing to 2 put on the use of force form, correct? 3 A. Correct. 4 Q. And what is the purpose of filling 5 out a use of force report? 6 A. It just shows what you've done with 7 the Taser. I mean, if you discharge that 8 Taser and you tase somebody, then that's just 9 a requirement that we have at the City. 10 Q. Right. And when you're drive 11 stunning someone, is there any way to take 12 someone's Taser and actually know how many 13 times it was used? 14 A. Those Tasers are designed that I 15 think each time you use it, I think it has a 16 memory or something in there that you can 17 hook up to. And it will tell you how many 18 times you've used it. 19 Q. Did you ever undertake an 20 investigation into how many times T.H. was 21 Tasered on that night? 22 A. No. 23 Q. After you were named as a Defendant</p>

<p style="text-align: right;">Page 109</p> <p>1 in this lawsuit and the allegations were made 2 that she was Tasered three times, at that 3 point, did you as Chief of Police undertake 4 an investigation to find out whether or not 5 there was three? 6 A. No. 7 Q. Did you care? 8 A. Well, I mean, I was concerned, but 9 the only thing that I could tell you is that 10 the man says that he just used it one time. 11 And I wasn't there to see it other than that 12 one time. That's all I could do. 13 Q. So tell me in your opinion, because 14 you were there and you witnessed the alleged 15 behavior of T.H., tell me how she was a 16 danger to George Morris. 17 A. I don't think as much of a danger 18 as her hurting herself and being out of 19 control. 20 Q. So tell me in your opinion as a 21 police officer who has had Taser training how 22 her being Tasered was going to help her stay 23 in control.</p>	<p style="text-align: right;">Page 111</p> <p>1 MS. CHANDLER: Same objection. 2 3 A. If she was having a seizure -- 4 Q. Yes. 5 A. -- which we don't know, but if she 6 was having a seizure, no. 7 Q. All right. If George Morris had 8 been told that she was having a seizure, 9 should George Morris as a police officer err 10 on the side of caution and not Taser that 11 seventeen-year-old girl? 12 MR. STUBBS: Object to the form. 13 MR. HOWARD: Object to the form. 14 MS. CHANDLER: Object to the form. 15 16 Q. You can answer. 17 A. That would depend on, you know, who 18 told him. If there was a doctor standing 19 there saying she's having a seizure, then 20 yeah, I can understand, don't Taser. But 21 there was no doctor there. That's hearsay. 22 So we didn't know. 23 Q. Well, Detective Gilliland was</p>
<p style="text-align: right;">Page 110</p> <p>1 A. It's just my opinion, but I think 2 by a quick dry stun, sometimes will make 3 somebody calm down a little bit because they 4 don't want to get hit again with it. 5 Q. Even if they're having a seizure? 6 A. We don't know if she was having a 7 seizure. 8 Q. Well, let's assume that she was. 9 Do you think it was proper for him to Taser 10 her? 11 MR. HOWARD: Object to the form. 12 MR. STUBBS: Object to the form. 13 MS. CHANDLER: Object to the form. 14 15 A. Well, I don't know that she was 16 having a seizure, so -- 17 Q. Well, let's assume that she was. 18 A. Okay. 19 Q. And if we assume that she was 20 having a seizure, do you think it was proper 21 for George Morris to take a Taser and drive 22 stun a seventeen-year-old girl? 23 MR. STUBBS: Object to the form.</p>	<p style="text-align: right;">Page 112</p> <p>1 present, right? 2 A. Yes. 3 Q. And Detective Gilliland, you have 4 his statement in front of you. And I 5 understand that you don't recall seeing it 6 before, but let's get it back out and take a 7 look at it and see what he says. 8 A. All right. 9 Q. We're going to go to the last 10 paragraph. And then we're going to go to, do 11 you see the number one hundred? We're on the 12 first page, the last paragraph. Do you see 13 the number one hundred? 14 A. I do. 15 Q. Now, go down one line from that. 16 And do you see the word floor? 17 A. Yes. 18 Q. Now, we're going to start at that 19 sentence right there. And this is the 20 statement of Justin Gilliland. Could you 21 read what you see there? 22 A. The female appeared to be having a 23 seizure. I always heard that when someone is</p>

<p style="text-align: right;">Page 113</p> <p>1 having a seizure, you're supposed to hold 2 their head and body to make sure they do not 3 harm themselves. I immediately went to the 4 subject and began holding her head, making 5 sure that she did not slam it up and down off 6 the cement floor. 7 Q. All right. Let me stop you right 8 there. Were you present when Justin 9 Gilliland was doing these things? 10 A. No. 11 Q. Okay. Keep reading, please. 12 A. As I was holding the female's head, 13 Detective Fazekas finally made his way down 14 to me. I immediately stated that the female 15 was having a seizure and that we needed to 16 make sure she did not harm herself. 17 Q. Okay. Let me stop you right there. 18 A. Okay. 19 Q. Were you present when Detective 20 Fazekas came up? 21 A. No. 22 Q. So when you got there, was Justin 23 Gilliland there at T.H. lying on the --</p>	<p style="text-align: right;">Page 115</p> <p>1 Morris. 2 Q. That's the only two people you 3 remember. 4 A. Yeah. 5 Q. And you don't remember Detective 6 Gilliland being there at any time that George 7 Morris used his Taser on T.H., correct? 8 A. Correct. 9 Q. And Justin Gilliland, you 10 understand in his statement says he saw 11 George Morris Taser T.H. twice. 12 A. Correct. 13 MR. STUBBS: Object to the form. 14 15 Q. Is that correct? 16 A. That's correct. 17 Q. So is it possible that George 18 Morris Tasered T.H. three times and you only 19 saw one of the three Tasers? 20 MR. STUBBS: Object to the form. 21 MR. HOWARD: Object to the form. 22 23 Q. You can answer.</p>
<p style="text-align: right;">Page 114</p> <p>1 A. I did not see him there, no. 2 Q. Did you ever see Detective Fazekas 3 there? 4 A. No. 5 Q. But you did see George Morris use 6 his Taser on T.H. 7 A. Yes. 8 Q. And you understand from reading 9 this statement that Justin Gilliland says he 10 was there holding T.H. down -- 11 A. I understand. 12 Q. -- when George Morris used his 13 Taser. 14 A. Right. 15 MS. CHANDLER: Object to the form. 16 MR. STUBBS: Object to the form. 17 MR. HOWARD: Object to the form. 18 19 Q. Do you have any explanation as to 20 why you didn't see Justin Gilliland there? 21 A. Because of the way she was flopping 22 around and carrying on, screaming and 23 cussing. I remember Kimbrough and George</p>	<p style="text-align: right;">Page 116</p> <p>1 A. I saw it one time, and that's all I 2 seen. 3 Q. Right. You saw it one time. 4 A. Correct. 5 Q. And you didn't see Justin Gilliland 6 there when you saw it, right? 7 A. Right. 8 Q. Justin Gilliland saw it how many 9 times, according to his statement? 10 A. According to his statement, I think 11 twice. 12 Q. Okay. Who decides how much -- 13 strike that. Who decided how much the off 14 duty officers would be paid for their 15 security work at Center Stage on January 16, 16 2015? 17 A. We set a price. 18 Q. Who set the price? 19 A. We do, the City. I mean, the 20 police department. 21 Q. Okay. So the Rainbow City Police 22 Department sets the price as to how much off 23 duty officers will be paid for security.</p>

<p style="text-align: right;">Page 117</p> <p>1 A. Correct.</p> <p>2 Q. And what is that price?</p> <p>3 A. Twenty-five dollars an hour.</p> <p>4 Q. And how many hours were you at</p> <p>5 Center Stage on January 16, 2015?</p> <p>6 A. I don't recall. I mean, I could</p> <p>7 estimate if that's what you want.</p> <p>8 Q. Well, yeah. Give me an estimate.</p> <p>9 A. I'm going to say probably five to</p> <p>10 six hours.</p> <p>11 Q. Now, if you go back to Detective</p> <p>12 Gilliland's statement, he says that when he</p> <p>13 got to Center Stage, Chief Greg Carroll</p> <p>14 advised me that I would be working at the</p> <p>15 front of the stairs that led to the VIP</p> <p>16 section. This area was near the stage. And</p> <p>17 that's in the second full paragraph, the</p> <p>18 second sentence. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall that happening?</p> <p>21 A. Yes.</p> <p>22 Q. So you recall instructing Detective</p> <p>23 Gilliland where he would be working that</p>	<p style="text-align: right;">Page 119</p> <p>1 is?</p> <p>2 A. It's a statement of Jimmy Fazekas.</p> <p>3 Q. Do you know why Jimmy Fazekas was</p> <p>4 making this statement?</p> <p>5 A. To make sure that we knew what went</p> <p>6 on with him and what he did while he was</p> <p>7 there.</p> <p>8 Q. Do you know what date Mr. Fazekas</p> <p>9 made this statement?</p> <p>10 A. I do not.</p> <p>11 Q. Do you know who Mr. Fazekas gave</p> <p>12 this statement to?</p> <p>13 A. I'm going to assume Chase Jenkins.</p> <p>14 Q. And you and Chase Jenkins,</p> <p>15 according to your earlier testimony, would be</p> <p>16 considered, to the extent that there is one,</p> <p>17 the internal affairs department at the</p> <p>18 Rainbow City Police Department, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Did Chase Jenkins ever discuss the</p> <p>21 fact that Jimmy Fazekas gave him a statement</p> <p>22 with you?</p> <p>23 A. I don't recall.</p>
<p style="text-align: right;">Page 118</p> <p>1 night at Center Stage.</p> <p>2 A. Correct.</p> <p>3 Q. That night, being January 16, 2015;</p> <p>4 is that right?</p> <p>5 A. Right. Correct.</p> <p>6 Q. Do you recall telling Detective</p> <p>7 Fazekas where he would be stationed?</p> <p>8 A. I don't recall.</p> <p>9 Q. Okay. Let me show you what I'm</p> <p>10 going to mark as Plaintiff's Exhibit Number 9</p> <p>11 to your deposition.</p> <p>12</p> <p>13 (Plaintiff's Exhibit Number 9 was</p> <p>14 marked for identification and same is</p> <p>15 attached hereto.)</p> <p>16</p> <p>17 Q. This is Fazekas' statement.</p> <p>18 A. (Witness reviewing document.)</p> <p>19 Okay.</p> <p>20 Q. Is that a document that you have</p> <p>21 seen before today, Mr. Carroll?</p> <p>22 A. No.</p> <p>23 Q. Do you know what that document</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. So he could have. You just don't</p> <p>2 recall.</p> <p>3 A. Yes.</p> <p>4 Q. Okay. If you would, look at that</p> <p>5 statement. The first line, on January 16,</p> <p>6 2015, I, Detective Jimmy Fazekas, was</p> <p>7 assigned by Chief Carroll to work an off duty</p> <p>8 concert at Center Stage in Rainbow City,</p> <p>9 Alabama; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. When did you first notify Fazekas</p> <p>12 that he would be working security at Center</p> <p>13 Stage?</p> <p>14 A. I'm assuming that it was probably</p> <p>15 about three or four days beforehand. This is</p> <p>16 strictly volunteer also.</p> <p>17 Q. And you anticipated my next</p> <p>18 question. Fazekas used the word assigned,</p> <p>19 but is it mandatory, or is it volunteer?</p> <p>20 A. No. It's all volunteer.</p> <p>21 Q. Are you in charge of the off duty</p> <p>22 security officers?</p> <p>23 A. Yes.</p>

<p style="text-align: right;">Page 121</p> <p>1 Q. And how did you become in charge of</p> <p>2 rounding up Rainbow City police officers to</p> <p>3 work off duty security?</p> <p>4 A. It just gets handed down to you</p> <p>5 when you become Chief. I mean, the Chief has</p> <p>6 always done that.</p> <p>7 Q. The Chief has always done that for</p> <p>8 Rainbow City.</p> <p>9 A. Yeah.</p> <p>10 Q. Do you know whether or not Rainbow</p> <p>11 City is aware that its police officers were</p> <p>12 working off duty on January 16, 2015?</p> <p>13 A. Who are you talking about being</p> <p>14 aware?</p> <p>15 Q. Anyone in the City of Rainbow City</p> <p>16 besides the police department.</p> <p>17 A. Well, we don't advertise it. I</p> <p>18 mean, I don't understand the question.</p> <p>19 Q. The question is, did you have the</p> <p>20 blessing of Rainbow City to have its officers</p> <p>21 working off duty?</p> <p>22 MR. HOWARD: Object to the form.</p> <p>23</p>	<p style="text-align: right;">Page 123</p> <p>1 that to him?</p> <p>2 A. Yes.</p> <p>3 Q. Did they provide you proof of that</p> <p>4 liability insurance?</p> <p>5 A. No.</p> <p>6 Q. They don't?</p> <p>7 A. They haven't.</p> <p>8 Q. Have you ever seen proof that your</p> <p>9 off duty officers that you're sending to</p> <p>10 Center Stage would be covered by liability</p> <p>11 insurance?</p> <p>12 A. When Center Stage first opened up,</p> <p>13 there was several owners to the company</p> <p>14 there. And Michelle Garbe was over, I guess,</p> <p>15 the manager type. The same thing that Jeremy</p> <p>16 took over when Michelle left.</p> <p>17 And it was a standing thing, you</p> <p>18 know, with her that Center Stage was carrying</p> <p>19 a liability insurance policy for the</p> <p>20 officers. And then Jeremy was made aware of</p> <p>21 it with us, the same thing. And he said it</p> <p>22 was handled.</p> <p>23 Q. Since the time you've been Chief</p>
<p style="text-align: right;">Page 122</p> <p>1 A. Oh, yeah.</p> <p>2 Q. Yes?</p> <p>3 A. Yes.</p> <p>4 Q. Who would have known at Rainbow</p> <p>5 City that its officers were working off duty?</p> <p>6 A. Usually the Mayor, you know. I</p> <p>7 mean --</p> <p>8 Q. Who was the Mayor in January of</p> <p>9 2015?</p> <p>10 A. Terry John Calhoun.</p> <p>11 Q. John Calhoun?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Anyone else for Rainbow City</p> <p>14 know that its officers were working off duty</p> <p>15 security?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. Did Rainbow City require its</p> <p>18 officers to carry any type of liability</p> <p>19 coverage for working off duty?</p> <p>20 A. We always tell the people that we</p> <p>21 work for that they have to have some</p> <p>22 liability insurance for us.</p> <p>23 Q. And Jeremy Reeves, did you tell</p>	<p style="text-align: right;">Page 124</p> <p>1 and since the time Center Stage has opened,</p> <p>2 how many times has Rainbow City police</p> <p>3 officers worked security for Center Stage?</p> <p>4 A. Since Center Stage has been open?</p> <p>5 Q. Yes, sir.</p> <p>6 A. A dozen times.</p> <p>7 Q. Other than these incidents that</p> <p>8 have made the basis of this lawsuit, have</p> <p>9 there been any other times in which Rainbow</p> <p>10 City police officers have had to use force on</p> <p>11 patrons of Center Stage?</p> <p>12 A. I don't recall the use of force</p> <p>13 with a Taser. I think there has been a</p> <p>14 couple of times where we've had to make some</p> <p>15 arrests on people that was intoxicated, but</p> <p>16 nothing more than just putting the cuffs on</p> <p>17 them and leading them out.</p> <p>18 Q. So to your knowledge, are there any</p> <p>19 use of force forms filled out since you've</p> <p>20 been Chief of Police related to use of force</p> <p>21 on Center Stage patrons besides the two that</p> <p>22 we see here today?</p> <p>23 A. Those are the only two that I can</p>

<p style="text-align: right;">Page 125</p> <p>1 recall.</p> <p>2 Q. Now, when the off duty police</p> <p>3 officers were paid, they were paid how?</p> <p>4 A. Cash.</p> <p>5 Q. And do these off duty police</p> <p>6 officers have to report that to the City?</p> <p>7 A. No.</p> <p>8 Q. So your testimony is, Jeremy Reeves</p> <p>9 would call you and tell you that he's going</p> <p>10 to need security at Center Stage, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And then you would ask for</p> <p>13 volunteers from the Rainbow City Police</p> <p>14 Department.</p> <p>15 A. That's correct.</p> <p>16 Q. Did you ask for volunteers outside</p> <p>17 of the Rainbow City Police Department?</p> <p>18 A. No.</p> <p>19 Q. Why did you ask for volunteers</p> <p>20 within the Rainbow City Police Department?</p> <p>21 A. Because it's within our city</p> <p>22 limits.</p> <p>23 Q. At Center Stage on January 16,</p>	<p style="text-align: right;">Page 127</p> <p>1 footage from any police officers who were</p> <p>2 present that night that this happened,</p> <p>3 correct?</p> <p>4 A. That's correct.</p> <p>5 Q. All right. Do you recall having a</p> <p>6 conversation with Gary Morgan back at the</p> <p>7 police station after the incident occurred at</p> <p>8 Center Stage? Do you recall having a</p> <p>9 conversation with Gary Morgan about what had</p> <p>10 transpired at Center Stage?</p> <p>11 A. Not after it happened, no.</p> <p>12 Q. I'm going to show you what was</p> <p>13 produced to us by Rainbow City. Okay?</p> <p>14 A. Okay.</p> <p>15 Q. And I guess the best way to</p> <p>16 identify this for you guys would be, the</p> <p>17 video that's entitled, Assist Roberts Arrest.</p> <p>18 And I'm going to ask you to take a look at</p> <p>19 this. And I'm going to represent to you that</p> <p>20 in this video that some of the audio is cut</p> <p>21 out. Do you recall that scene at the Rainbow</p> <p>22 City Police Department on the night of</p> <p>23 January 16, 2015?</p>
<p style="text-align: right;">Page 126</p> <p>1 2015, were there police officers from other</p> <p>2 municipalities present?</p> <p>3 A. Not that I can recall.</p> <p>4 Q. You don't recall any police</p> <p>5 officers from the City of Southside being</p> <p>6 present?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you recall any officers from the</p> <p>9 City of Gadsden being present?</p> <p>10 A. No.</p> <p>11 Q. No, you don't recall, or no, they</p> <p>12 weren't there?</p> <p>13 A. I don't recall.</p> <p>14 Q. So they could have been there. You</p> <p>15 just don't recall.</p> <p>16 A. I didn't see any.</p> <p>17 Q. So if there is video of Gadsden</p> <p>18 police cars there at Center Stage --</p> <p>19 A. Right.</p> <p>20 Q. -- you wouldn't have any knowledge</p> <p>21 about that.</p> <p>22 A. No.</p> <p>23 Q. And you haven't seen any body cam</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Not that I recall.</p> <p>2</p> <p>3 (Viewing video.)</p> <p>4</p> <p>5 Q. Let me stop it right there. Do you</p> <p>6 recognize that voice that said how old are</p> <p>7 you?</p> <p>8 A. No.</p> <p>9 Q. You don't?</p> <p>10 A. No.</p> <p>11 Q. Do you recognize that person?</p> <p>12 A. Yes.</p> <p>13 Q. Who is that?</p> <p>14 A. That's Richard Roberts.</p> <p>15 Q. Okay. Let me stop it right there.</p> <p>16 Do you hear that Officer Roberts says this is</p> <p>17 the first time I've ever pepper sprayed</p> <p>18 somebody?</p> <p>19 A. Yeah.</p> <p>20 Q. Is a use of force form required if</p> <p>21 pepper spray is used?</p> <p>22 A. It's a level of what you can use.</p> <p>23 Q. Would an officer have to fill out a</p>

<p style="text-align: right;">Page 129</p> <p>1 use of force form?</p> <p>2 A. On pepper spray?</p> <p>3 Q. Yes, sir. And I will make it</p> <p>4 easier for you. If you look at the document</p> <p>5 that we marked as Plaintiff's Exhibit Number</p> <p>6 5, that's a Rainbow City use of force form,</p> <p>7 correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And do you see the first box that</p> <p>10 says check all that apply, and it says</p> <p>11 chemical agent?</p> <p>12 A. Yes.</p> <p>13 Q. Would you consider what he calls</p> <p>14 pepper spray to be a chemical agent?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if Officer Roberts</p> <p>17 filled out a use of force form for the use of</p> <p>18 that pepper spray?</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay. Let's keep watching this.</p> <p>21</p> <p>22 (Viewing video.)</p> <p>23</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. And you haven't seen this video</p> <p>2 before, right?</p> <p>3 A. No.</p> <p>4 Q. Okay. We're going to keep watching</p> <p>5 through it.</p> <p>6 A. Okay.</p> <p>7</p> <p>8 (Viewing video.)</p> <p>9</p> <p>10 Q. Let me stop it right there. That's</p> <p>11 you, correct?</p> <p>12 A. That's correct.</p> <p>13 Q. So you were present when all of</p> <p>14 this was going on.</p> <p>15 A. Obviously so.</p> <p>16 Q. Does that refresh your recollection</p> <p>17 as to having a conversation with Gary Morgan</p> <p>18 about what happened at Center Stage?</p> <p>19 A. No.</p> <p>20</p> <p>21 (Viewing video.)</p> <p>22</p> <p>23 Q. All right. Do you recognize that</p>
<p style="text-align: right;">Page 130</p> <p>1 Q. Okay. Did you hear that voice</p> <p>2 where he says, shit, they can film whatever</p> <p>3 they want?</p> <p>4 A. Yeah.</p> <p>5 Q. Do you know whose voice that was?</p> <p>6 A. No.</p> <p>7 Q. You don't know whose voice that</p> <p>8 was? You don't recognize it?</p> <p>9 A. No.</p> <p>10</p> <p>11 (Viewing video.)</p> <p>12</p> <p>13 Q. Let me stop it right there. Do you</p> <p>14 hear that officer that said she flipped out?</p> <p>15 She was probably first of the month.</p> <p>16 MR. HOWARD: Did you say in the</p> <p>17 question, there was an officer?</p> <p>18</p> <p>19 Q. Well, did you hear someone on that</p> <p>20 video say, she flipped out? It was probably</p> <p>21 first of the month.</p> <p>22 A. No. I don't think I heard that.</p> <p>23 You can back it up.</p>	<p style="text-align: right;">Page 132</p> <p>1 officer?</p> <p>2 A. Yes.</p> <p>3 Q. Who is that?</p> <p>4 A. That's Camp Yancey.</p> <p>5 Q. Okay. Can you tell me what you</p> <p>6 meant when you told whoever this officer is</p> <p>7 wearing this body camera not to worry about</p> <p>8 putting him on the time sheet?</p> <p>9 A. I don't remember it, no.</p> <p>10 Q. You don't know what you meant when</p> <p>11 you said that?</p> <p>12 A. No.</p> <p>13</p> <p>14 (Viewing video.)</p> <p>15</p> <p>16 Q. Okay. In Rainbow City, is an off</p> <p>17 duty police officer allowed to make an</p> <p>18 arrest?</p> <p>19 A. Yes.</p> <p>20 Q. And why is that?</p> <p>21 A. Well, he's a police officer</p> <p>22 twenty-four, seven.</p> <p>23 Q. Because he is APOST certified in</p>

Page 133	
1	the State of Alabama, correct?
2	A. Correct.
3	Q. Now, when he makes an arrest and he
4	is off duty, is he making that arrest on
5	behalf of whom, if he's inside the
6	jurisdiction of Rainbow City?
7	MR. HOWARD: Object to the form.
8	
9	A. Well, it would be a Rainbow City
10	arrest.
11	Q. Okay. And if he makes an arrest
12	inside of Rainbow City, even if he's off
13	duty, would he still fill out an incident
14	report?
15	A. He should.
16	Q. Okay. And that incident report is
17	filled out on behalf of Rainbow City,
18	correct?
19	MR. HOWARD: Object to the form.
20	
21	A. Correct.
22	Q. So the actions of that officer
23	making an arrest is made on behalf of Rainbow
Page 134	
1	City, right?
2	A. Right.
3	MR. HOWARD: Object to the form.
4	
5	Q. Is that right?
6	A. Right.
7	Q. To preserve and keep the peace in
8	Rainbow City?
9	A. Correct.
10	Q. And that's your ultimate goal is to
11	protect and serve as a police officer, right?
12	A. Right.
13	MR. HOWARD: Object to the form.
14	
15	Q. So if an officer conducts something
16	that is unconstitutional off duty while
17	wearing a Rainbow City police officer
18	uniform, would that also be under the
19	guidance of being a Rainbow City police
20	officer?
21	MR. HOWARD: Object to the form.
22	MR. STUBBS: Object to the form.
23	

Page 135	
1	A. I don't know if I quite understand
2	that.
3	Q. You said that Officer Kimbrough was
4	wearing his uniform, correct?
5	A. Correct.
6	Q. And he was off duty; is that
7	right?
8	A. That's correct.
9	Q. And Officer Morgan was wearing his
10	uniform, and he was off duty, correct?
11	A. That's correct.
12	Q. Are you aware that Officer Morgan
13	Tasered Michelle Helm on the night of January
14	16, 2015?
15	A. Not until after it was all over
16	with.
17	Q. What do you mean not until after it
18	was all over with?
19	A. Well, when we started to leave out
20	and everything, you know, we started talking
21	and he told me she had been Tased and
22	arrested.
23	Q. Did you see Michelle Helm at Center
Page 136	
1	Stage?
2	A. No.
3	Q. You didn't see her near T.H. at
4	Center Stage?
5	A. No.
6	Q. You didn't see her being Tasered at
7	Center Stage?
8	A. No.
9	Q. Did all of that happen after you
10	had left that area?
11	A. The part of her being arrested did.
12	I had done walked away.
13	Q. So you had walked away by the time
14	she had been arrested.
15	A. Yeah.
16	Q. And you had walked away by the time
17	she had been Tasered, correct?
18	A. No. I didn't see her get Tased or
19	anything like that, but when I got up from
20	being where T.H. was at and walked away was
21	when that happened.
22	Q. So it did happen after you walked
23	away.

<p style="text-align: right;">Page 137</p> <p>1 A. Yeah.</p> <p>2 Q. So you didn't see it.</p> <p>3 A. No.</p> <p>4 Q. Okay. Let me get you to go back to</p> <p>5 Detective Fazekas' statement. Do you still</p> <p>6 have it?</p> <p>7 A. Yeah.</p> <p>8 Q. You never saw Detective Fazekas in</p> <p>9 the area where T.H. was, right?</p> <p>10 A. No.</p> <p>11 Q. So you didn't see Detective Fazekas</p> <p>12 get, as he says, knocked back off his feet by</p> <p>13 Michelle Helm, did you?</p> <p>14 A. No.</p> <p>15 Q. How tall is Detective Fazekas? And</p> <p>16 he's not really Detective Fazekas anymore, is</p> <p>17 he?</p> <p>18 A. No. He's no longer employed with</p> <p>19 us.</p> <p>20 Q. Okay. So how tall is Jimmy</p> <p>21 Fazekas?</p> <p>22 A. Probably about six two, six one.</p> <p>23 Q. And just estimating, how much does</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. You don't have any knowledge about</p> <p>2 what transpired between Gary Morgan and</p> <p>3 Michelle Helm.</p> <p>4 A. No.</p> <p>5 Q. You don't have any knowledge about</p> <p>6 what, if anything, transpired between Jimmy</p> <p>7 Fazekas and Michelle Helm, do you?</p> <p>8 A. No.</p> <p>9 Q. Did you ever undertake to find out</p> <p>10 why Michelle Helm was arrested that night?</p> <p>11 A. Yes.</p> <p>12 Q. Who did you ask?</p> <p>13 A. Gary Morgan.</p> <p>14 Q. And what did he tell you?</p> <p>15 A. He told me that she was disorderly</p> <p>16 and that she was trying to get inside. And</p> <p>17 they told her on numerous occasions to stay</p> <p>18 outside. And at that point, when she started</p> <p>19 resisting everybody, he said that's when he</p> <p>20 Tased her.</p> <p>21 Q. Did he tell you that she was</p> <p>22 already on her knees when he Tased her?</p> <p>23 A. I don't know.</p>
<p style="text-align: right;">Page 138</p> <p>1 he weigh?</p> <p>2 A. A hundred and ninety pounds.</p> <p>3 Q. Do you know how tall Michelle Helm</p> <p>4 is?</p> <p>5 A. No.</p> <p>6 Q. Have you ever seen the arrest</p> <p>7 report for Michelle Helm?</p> <p>8 A. No.</p> <p>9 Q. Are you aware that Michelle Helm</p> <p>10 was arrested that night?</p> <p>11 A. Yes. Yes.</p> <p>12 Q. And you never saw Detective Fazekas</p> <p>13 on the ground after being knocked down by</p> <p>14 Michelle Helm, right?</p> <p>15 A. No.</p> <p>16 Q. And you didn't see Gary Morgan Tase</p> <p>17 Michelle Helm, correct?</p> <p>18 A. No. That's correct.</p> <p>19 Q. So you don't have any testimony as</p> <p>20 to what happened during that occurrence,</p> <p>21 right?</p> <p>22 A. I don't think I understand your</p> <p>23 question.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. You don't know whether he told you</p> <p>2 that?</p> <p>3 A. No. I don't know. That part</p> <p>4 wasn't discussed.</p> <p>5 Q. My question was, did he tell you</p> <p>6 that she was already on her knees when he</p> <p>7 Tased her?</p> <p>8 A. No. No.</p> <p>9 MR. HARP: Okay. We can take a</p> <p>10 break for lunch now.</p> <p>11</p> <p>12 (Whereupon, a lunch recess was</p> <p>13 taken.)</p> <p>14</p> <p>15 Q. Okay. We're back on the record,</p> <p>16 Mr. Carroll, after a break for lunch. You</p> <p>17 know Michelle Garbe, right?</p> <p>18 A. Right.</p> <p>19 Q. G-a-r-b-e?</p> <p>20 A. Correct.</p> <p>21 Q. And at the time that you started</p> <p>22 sending off duty police officers out to</p> <p>23 Center Stage, she was the person that you</p>

<p style="text-align: right;">Page 141</p> <p>1 were in contact with?</p> <p>2 A. Yes.</p> <p>3 Q. Did she approach you about sending</p> <p>4 officers out there, or did you approach</p> <p>5 her?</p> <p>6 A. She approached me when they first</p> <p>7 opened up, you know, when they started</p> <p>8 talking about security and wanted to know if</p> <p>9 we would work the security out there and I</p> <p>10 told her we would.</p> <p>11 Q. Okay. And when she approached you,</p> <p>12 did you approach anyone within Rainbow City</p> <p>13 about that being okay? And when I say that</p> <p>14 being okay, I mean sending officers out to do</p> <p>15 security for Center Stage.</p> <p>16 A. Well, the only person I think I</p> <p>17 remember even talking to would be the Mayor.</p> <p>18 Q. And who was the Mayor at that time?</p> <p>19 A. Terry John Calhoun.</p> <p>20 Q. And what year was that?</p> <p>21 A. I can't remember when Center Stage</p> <p>22 was opened up.</p> <p>23 Q. But it was at the time that it was</p>	<p style="text-align: right;">Page 143</p> <p>1 identification, this is the shift supervisor</p> <p>2 synopsis use of force form for Rainbow City</p> <p>3 Police Department.</p> <p>4</p> <p>5 (Plaintiff's Exhibit Number 10 was</p> <p>6 marked for identification and same is</p> <p>7 attached hereto.)</p> <p>8</p> <p>9 A. (Witness reviewing document.)</p> <p>10 Q. Are you familiar with this</p> <p>11 document?</p> <p>12 A. No.</p> <p>13 Q. Have you ever seen this document</p> <p>14 before?</p> <p>15 A. No.</p> <p>16 Q. Do you know what this type of form</p> <p>17 is?</p> <p>18 A. Yes.</p> <p>19 Q. What is it?</p> <p>20 A. It's just a use of force for the</p> <p>21 shift supervisor to fill out.</p> <p>22 Q. Have you ever worked as a shift</p> <p>23 supervisor for the Rainbow City Police</p>
<p style="text-align: right;">Page 142</p> <p>1 opened up?</p> <p>2 A. Yes.</p> <p>3 Q. How soon after it was open did she</p> <p>4 approach you?</p> <p>5 A. I'm going to say a couple of weeks</p> <p>6 maybe.</p> <p>7 Q. And when you talked to Mayor</p> <p>8 Calhoun about Rainbow City police officers</p> <p>9 doing the security work out there, did he</p> <p>10 indicate that he would need to run that by</p> <p>11 the City Council or anyone like that?</p> <p>12 A. No.</p> <p>13 Q. Did he give you his blessing to do</p> <p>14 that?</p> <p>15 A. Yeah.</p> <p>16 Q. Did you believe at that time that</p> <p>17 you had the blessings of the City to work off</p> <p>18 duty at Center Stage?</p> <p>19 A. Correct. Yes.</p> <p>20 Q. Now, I'm going to show you what I</p> <p>21 will mark as Plaintiff's Exhibit Number 10.</p> <p>22 And I will represent to you that this was</p> <p>23 produced to us. And by way of further</p>	<p style="text-align: right;">Page 144</p> <p>1 Department?</p> <p>2 A. On patrol?</p> <p>3 Q. Yes, sir.</p> <p>4 A. No.</p> <p>5 Q. Now, do you know who Sergeant J.</p> <p>6 Bryant is?</p> <p>7 A. Yes.</p> <p>8 Q. Who is Sergeant J. Bryant?</p> <p>9 A. This gentleman right down here.</p> <p>10 Q. And that's John Bryant who is</p> <p>11 sitting here in your deposition today?</p> <p>12 A. That's correct.</p> <p>13 Q. Now, he has the officer involved in</p> <p>14 the use of force incident as Gary Morgan,</p> <p>15 right?</p> <p>16 A. Right.</p> <p>17 Q. Now, is this a form that is filled</p> <p>18 out by Sergeant Bryant?</p> <p>19 A. Yes.</p> <p>20 Q. So we have the place of occurrence</p> <p>21 at Center Stage, correct?</p> <p>22 A. Correct.</p> <p>23 Q. 1-16-2015?</p>

<p style="text-align: right;">Page 145</p> <p>1 A. Uh-huh (affirmative response).</p> <p>2 Q. And then there is a synopsis here.</p> <p>3 And in parens, it says, open paren, give a</p> <p>4 detailed synopsis of -- I assume that's</p> <p>5 supposed to be events, but it's spelled</p> <p>6 e-v-e-n-y-s, leading to the officer's use of</p> <p>7 force based on reporting facts. And then</p> <p>8 close paren, events, colon.</p> <p>9 Now, you said you haven't seen this</p> <p>10 document before today, correct?</p> <p>11 A. Not this one, no.</p> <p>12 Q. But you were aware that Officer</p> <p>13 Morgan filled out a use of force form,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. I'm going to go ahead and</p> <p>17 show you what I will mark as Plaintiff's</p> <p>18 Exhibit Number 11 to your deposition, which</p> <p>19 is Rainbow City Police Department Officer's</p> <p>20 Use of Force Form, slash, Report for Gary</p> <p>21 Morgan.</p> <p>22</p> <p>23 (Plaintiff's Exhibit Number 11 was</p>	<p style="text-align: right;">Page 147</p> <p>1 A. I would say probably three or four</p> <p>2 days.</p> <p>3 Q. And we know that Gary Morgan is, or</p> <p>4 was at that time, around January of 2015, was</p> <p>5 an employee of the Rainbow City Police</p> <p>6 Department, right?</p> <p>7 A. Correct.</p> <p>8 Q. And he worked patrol?</p> <p>9 A. Correct.</p> <p>10 Q. And he worked first shift; is that</p> <p>11 right?</p> <p>12 A. Correct.</p> <p>13 Q. In January of 2015, what hours did</p> <p>14 first shift encompass?</p> <p>15 A. 6:00 a. to 6:00 p.</p> <p>16 Q. 6:00 a.m. to 6:00 p.m.</p> <p>17 A. Yes.</p> <p>18 Q. And what time did the incident that</p> <p>19 occurred at Center Stage involving Michelle</p> <p>20 Helm occur?</p> <p>21 A. I don't know.</p> <p>22 Q. You were present that night,</p> <p>23 right?</p>
<p style="text-align: right;">Page 146</p> <p>1 marked for identification and same is</p> <p>2 attached hereto.)</p> <p>3</p> <p>4 A. (Witness reviewing document.)</p> <p>5 Okay.</p> <p>6 Q. Are you ready?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Do you recognize this</p> <p>9 document that we marked as Plaintiff's</p> <p>10 Exhibit Number 11?</p> <p>11 A. Yes.</p> <p>12 Q. Have you seen a copy of this</p> <p>13 document that is Plaintiff's Exhibit Number</p> <p>14 11 prior to today?</p> <p>15 A. Yes.</p> <p>16 Q. When is the first time you saw a</p> <p>17 copy of this document that is Plaintiff's</p> <p>18 Exhibit Number 11?</p> <p>19 A. At some point after the incident at</p> <p>20 Center Stage.</p> <p>21 Q. How long after the incident at</p> <p>22 Center Stage was it before you saw a copy of</p> <p>23 Plaintiff's Exhibit Number 11?</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Yeah. I mean, I can speculate, but</p> <p>2 giving you the exact time, I don't know.</p> <p>3 Q. That's fair. Now, the immediate</p> <p>4 supervisor on this use of force form that is</p> <p>5 marked as Plaintiff's Exhibit Number 11 is T.</p> <p>6 Spurling; is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Is that Tommy Spurling?</p> <p>9 A. Yes.</p> <p>10 Q. Shift supervisor, J. Bryant. Is</p> <p>11 that John Bryant?</p> <p>12 A. Yes.</p> <p>13 Q. And the Taser model used is the</p> <p>14 X-26. And that's what's listed; is that</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Now, do all of the officers --</p> <p>18 strike that. In January of 2015, did all of</p> <p>19 the officers assigned Tasers carry the</p> <p>20 X-26?</p> <p>21 A. Yes.</p> <p>22 Q. Are there any other models of</p> <p>23 Tasers used by the officers at Rainbow City</p>

<p style="text-align: right;">Page 149</p> <p>1 Police Department?</p> <p>2 A. No.</p> <p>3 Q. Does every officer employed by the</p> <p>4 Rainbow City Police Department carry the</p> <p>5 X-26?</p> <p>6 A. Yes.</p> <p>7 Q. Does that include the Detectives?</p> <p>8 A. They are assigned an X-26 also.</p> <p>9 Q. To your knowledge, did Justin</p> <p>10 Gilliland have a Taser on January 16, 2015?</p> <p>11 A. I don't recall.</p> <p>12 Q. To your knowledge, did Jimmy</p> <p>13 Fazekas have a Taser on his person on January</p> <p>14 16, 2015?</p> <p>15 A. I don't recall.</p> <p>16 Q. And Gary Morgan, I think you</p> <p>17 testified earlier, he was in his Class A</p> <p>18 uniform, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Which would be what I would call a</p> <p>21 patrol uniform.</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you know how long Gary Morgan</p>	<p style="text-align: right;">Page 151</p> <p>1 male figure right there. And it says place</p> <p>2 an "X" indicating where contact occurred. Do</p> <p>3 you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And do you see an "X" on either one</p> <p>6 of these?</p> <p>7 A. No, I don't.</p> <p>8 Q. Do you see the circle in the middle</p> <p>9 of the back on the second figure?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you know what the significance</p> <p>12 of that circle in the middle of the back</p> <p>13 is?</p> <p>14 A. Well, obviously, he just put the</p> <p>15 circle where he Tased her at instead of</p> <p>16 putting an "X".</p> <p>17 Q. Okay. And you didn't see Gary</p> <p>18 Morgan actually Tase Michelle Helm, did</p> <p>19 you?</p> <p>20 A. No.</p> <p>21 Q. Based on your knowledge of the use</p> <p>22 of a Taser on an individual, should a Taser</p> <p>23 be used in someone's back?</p>
<p style="text-align: right;">Page 150</p> <p>1 had been employed by the Rainbow City Police</p> <p>2 Department as of January 16, 2015?</p> <p>3 A. Probably not quite a year.</p> <p>4 Q. Do you know whether or not Gary</p> <p>5 Morgan has received any training from the</p> <p>6 Rainbow City Police Department regarding the</p> <p>7 Rainbow City Police Department's use of force</p> <p>8 policy?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know who provided that</p> <p>11 training to Gary Morgan?</p> <p>12 A. Scott Holderfield.</p> <p>13 Q. Do you know when Gary Morgan</p> <p>14 received training from Scott Holderfield on</p> <p>15 the use of force policy at the Rainbow City</p> <p>16 Police Department?</p> <p>17 A. It would be done probably either</p> <p>18 right after he got out of the academy or</p> <p>19 right before he went to the academy.</p> <p>20 Q. Let me ask you this question. Turn</p> <p>21 with me to page two. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. Now, you see the diagram of the</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Sometimes you have to use it</p> <p>2 wherever you can. I mean, in a case probably</p> <p>3 like this, if she was being non-compliant and</p> <p>4 everything, you know, yeah, you would.</p> <p>5 Q. Okay. Go back with me to</p> <p>6 Plaintiff's Exhibit Number 10, if you would.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Now, I'm reading under where it</p> <p>9 says events, colon. It says, Officer Morgan</p> <p>10 was working an off duty security detail at a</p> <p>11 concert at Center Stage. Morgan, along with</p> <p>12 other officers and medics, were rendering aid</p> <p>13 to a female later discovered to be Ti</p> <p>14 Helm. Open paren, juvenile, close paren.</p> <p>15 And then it says, from the</p> <p>16 information given. Do you know when you're</p> <p>17 filling out one of these forms, as Chief of</p> <p>18 Police, have you seen one of these forms that</p> <p>19 has been filled out before?</p> <p>20 A. Are you speaking about this form</p> <p>21 here?</p> <p>22 Q. The shift supervisor synopsis.</p> <p>23 A. I have seen the form. I have not</p>

<p style="text-align: right;">Page 153</p> <p>1 seen one completed before.</p> <p>2 Q. You've never seen one of these use</p> <p>3 of force forms filled out before?</p> <p>4 A. Not like this. Like this, yes</p> <p>5 (indicating).</p> <p>6 Q. Well, when you say not like this,</p> <p>7 just for the record, you're pointing to</p> <p>8 what's marked as Plaintiff's Exhibit Number</p> <p>9 11, right?</p> <p>10 A. Correct.</p> <p>11 Q. And you've never seen one of those</p> <p>12 forms filled out before; is that right?</p> <p>13 A. On Number 10?</p> <p>14 Q. I'm sorry. Number 10, yes, sir.</p> <p>15 A. Yeah.</p> <p>16 Q. So you've never seen one of those</p> <p>17 forms filled out before?</p> <p>18 A. No, sir.</p> <p>19 Q. During the time that you were Chief</p> <p>20 of Police for Rainbow City, I think your</p> <p>21 testimony earlier was that there had been</p> <p>22 other uses of force by Rainbow City police</p> <p>23 officers, right?</p>	<p style="text-align: right;">Page 155</p> <p>1 Rainbow City Police Department, correct?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. Okay. Now, do you see where it</p> <p>4 says signature of shift supervisor, Sergeant</p> <p>5 John Bryant?</p> <p>6 A. Uh-huh (affirmative response).</p> <p>7 Q. Do you recognize that signature?</p> <p>8 A. Yes.</p> <p>9 Q. Whose signature is that?</p> <p>10 A. John Bryant.</p> <p>11 Q. Okay. Going back up to the date of</p> <p>12 annual oral presentation for use of force</p> <p>13 police -- and we're going to say (sic)</p> <p>14 because we think that's supposed to be</p> <p>15 policy. Is there an answer out there on the</p> <p>16 other side of that colon? Is there a date</p> <p>17 listed?</p> <p>18 A. No.</p> <p>19 Q. Okay. Now, underneath Sergeant</p> <p>20 Bryant's signature, open paren, as the shift</p> <p>21 supervisor, I have reviewed and presented the</p> <p>22 Rainbow City Police Department's use of force</p> <p>23 to the subordinate. Do you see that?</p>
<p style="text-align: right;">Page 154</p> <p>1 A. Yes.</p> <p>2 Q. Now, when those other instances of</p> <p>3 use of force occurred, this form would have</p> <p>4 been filled out by the shift supervisor,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Now, turn with me over to the</p> <p>8 second page of Plaintiff's Exhibit Number 10.</p> <p>9 Do you see where it says force policy to your</p> <p>10 subordinate? And then there is a yes. Do</p> <p>11 you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And then date of annual oral</p> <p>14 presentation of use of force police. And I'm</p> <p>15 betting that's supposed to be policy. Do you</p> <p>16 see that?</p> <p>17 A. Yes.</p> <p>18 Q. Does the Rainbow City Police</p> <p>19 Department have annual presentations on use</p> <p>20 of force?</p> <p>21 A. No.</p> <p>22 Q. So there are no annual oral</p> <p>23 presentations on the use of force by the</p>	<p style="text-align: right;">Page 156</p> <p>1 A. I do, yes.</p> <p>2 Q. Now, underneath that, it says</p> <p>3 reviewed by the Chief of Police, open paren,</p> <p>4 signature, close paren, colon. Do you see</p> <p>5 that?</p> <p>6 A. Yes.</p> <p>7 Q. Is there a signature out there?</p> <p>8 A. No.</p> <p>9 Q. Should there be a signature out</p> <p>10 there?</p> <p>11 A. Yes.</p> <p>12 Q. Whose signature should be out</p> <p>13 there?</p> <p>14 A. It should be the police Chief's.</p> <p>15 Q. And who was the police Chief on</p> <p>16 January 16, 2015?</p> <p>17 A. That would be me.</p> <p>18 Q. And you didn't sign this use of</p> <p>19 force form, right?</p> <p>20 A. No.</p> <p>21 Q. But according to the form, it</p> <p>22 requires your signature, right?</p> <p>23 A. Uh-huh (affirmative response).</p>

<p style="text-align: right;">Page 157</p> <p>1 Q. Is that a yes?</p> <p>2 A. Yes.</p> <p>3 Q. And according to your earlier</p> <p>4 testimony, you've never seen this form</p> <p>5 before, correct?</p> <p>6 MR. STUBBS: Object to the form.</p> <p>7</p> <p>8 Q. Is that correct?</p> <p>9 A. That's correct, yeah.</p> <p>10 Q. Now, go back with me to Plaintiff's</p> <p>11 Exhibit Number 11. Now, should this form be</p> <p>12 filled out in its entirety when it's filled</p> <p>13 out by a Rainbow City Police Department</p> <p>14 officer?</p> <p>15 A. Yes.</p> <p>16 Q. Do you see parts of this form</p> <p>17 that's not filled out? And when I say this</p> <p>18 form, I'm referring to Plaintiff's Exhibit</p> <p>19 Number 11.</p> <p>20 A. The only thing that I see here is</p> <p>21 other involved officers.</p> <p>22 Q. Right. There is no other involved</p> <p>23 officers listed on this form, correct?</p>	<p style="text-align: right;">Page 159</p> <p>1 is dart probe contact, yes or no. And that's</p> <p>2 not filled out, is it?</p> <p>3 A. No.</p> <p>4 Q. But it should be, correct?</p> <p>5 A. Yeah, it should be.</p> <p>6 Q. And that's so that you know whether</p> <p>7 or not a probe was used or if it was a drive</p> <p>8 stun, right?</p> <p>9 A. Correct.</p> <p>10 Q. And that would be critical</p> <p>11 information to know.</p> <p>12 A. Correct.</p> <p>13 Q. Now, the next question is</p> <p>14 approximate distance. And then there is a</p> <p>15 blank there, right? Do you see that?</p> <p>16 A. I'm looking for it.</p> <p>17 Q. It's right under dart probe</p> <p>18 contact, yes or no.</p> <p>19 A. Oh, dart probe contact?</p> <p>20 Q. Right. And then underneath that,</p> <p>21 do you see where it says approx?</p> <p>22 A. Yes.</p> <p>23 Q. And there is a blank there to be</p>
<p style="text-align: right;">Page 158</p> <p>1 A. Correct.</p> <p>2 Q. And would you agree that as Chief</p> <p>3 of Police, that would be information that you</p> <p>4 would want to know if you were reviewing the</p> <p>5 use of force form, right?</p> <p>6 A. Correct.</p> <p>7 Q. And just so we're clear, did you</p> <p>8 review this form after it was completed by</p> <p>9 Officer Morgan?</p> <p>10 A. Yes.</p> <p>11 Q. Did you inquire with Officer Morgan</p> <p>12 as to why that part was left blank?</p> <p>13 A. I did not. That was an oversight.</p> <p>14 Q. On whose part?</p> <p>15 A. That would be on mine.</p> <p>16 Q. Okay. Go down with me to where it</p> <p>17 says Taser, slash, firearm model, slash type.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Now, underneath that, there is a</p> <p>21 section just for Taser use only, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And the first thing it asks</p>	<p style="text-align: right;">Page 160</p> <p>1 filled in, right?</p> <p>2 A. Yes.</p> <p>3 Q. And it's left blank, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And that's something that should be</p> <p>6 filled in if a probe was used, right?</p> <p>7 A. Correct.</p> <p>8 Q. And we don't know whether or not a</p> <p>9 probe was used because the dart probe contact</p> <p>10 is not answered yes or no, right?</p> <p>11 A. Correct.</p> <p>12 Q. Now, the next one under that is</p> <p>13 distance between probes. And someone fills</p> <p>14 that in with zero, right?</p> <p>15 A. Correct.</p> <p>16 Q. Now, go over with me to the next</p> <p>17 column where it starts with number of</p> <p>18 cartridges fired at the top.</p> <p>19 A. Correct.</p> <p>20 Q. And it says zero.</p> <p>21 A. Correct.</p> <p>22 Q. And then there is drive stun</p> <p>23 contact, yes or no. And Officer Morgan, or</p>

<p style="text-align: right;">Page 161</p> <p>1 someone, has circled yes there, right?</p> <p>2 A. Right.</p> <p>3 Q. And did the darts penetrate the</p> <p>4 skin, yes or no, is left blank, right?</p> <p>5 A. Correct.</p> <p>6 Q. You would agree that that's</p> <p>7 critical information to know when you're</p> <p>8 reviewing this use of force form, correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And why would that be critical</p> <p>11 information to know?</p> <p>12 A. Just nice to know. I mean, you</p> <p>13 want to know if they drive stunned or if they</p> <p>14 used the darts.</p> <p>15 Q. Okay. Did the application cause</p> <p>16 injury, yes or no, and circled is no,</p> <p>17 right?</p> <p>18 A. Yes. That's correct.</p> <p>19 Q. Now, jump down with me to where</p> <p>20 there is a series of questions under that</p> <p>21 double line that says was suspect struck with</p> <p>22 baton. Do you see that?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 163</p> <p>1 Q. Was the suspect under the influence</p> <p>2 of alcohol or drugs. And what does he have</p> <p>3 circled?</p> <p>4 A. No.</p> <p>5 Q. So Officer Morgan, according to the</p> <p>6 way he filled out the use of force form, did</p> <p>7 not believe that Ms. Helm was under the</p> <p>8 influence of alcohol or drugs, correct?</p> <p>9 A. Correct.</p> <p>10 Q. The next question is, was an</p> <p>11 officer, volunteer or citizen injured, and</p> <p>12 what's circled there?</p> <p>13 A. No.</p> <p>14 Q. So according to Officer Morgan,</p> <p>15 Ms. Helm didn't injure anyone on January 16,</p> <p>16 2015, right?</p> <p>17 A. Correct.</p> <p>18 Q. And then if you go down further, it</p> <p>19 says, the name of the suspect is Michelle</p> <p>20 Helm J; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. Fifty-year-old female?</p> <p>23 A. Uh-huh (affirmative response).</p>
<p style="text-align: right;">Page 162</p> <p>1 Q. And he has no circled, right?</p> <p>2 A. Right.</p> <p>3 Q. Nature of call or incident was a</p> <p>4 disturbance, right?</p> <p>5 A. Correct.</p> <p>6 Q. And Ms. Helm was charged apparently</p> <p>7 with disorderly conduct.</p> <p>8 A. Correct.</p> <p>9 Q. And as the Chief of Police for the</p> <p>10 Rainbow City Police Department, in your</p> <p>11 experience, what would a person have to do to</p> <p>12 rise to the level of disorderly conduct?</p> <p>13 A. Cursing, biting, would be the two</p> <p>14 main things.</p> <p>15 Q. And in your experience as a police</p> <p>16 officer, would cursing place an officer in</p> <p>17 threat of immediate danger?</p> <p>18 A. No.</p> <p>19 Q. Was the suspect arrested, yes or</p> <p>20 no. It's checked yes -- circled yes. Was</p> <p>21 the suspect admitted to the hospital, it's</p> <p>22 circled no; is that right?</p> <p>23 A. That's correct.</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Is that right?</p> <p>2 A. That's correct.</p> <p>3 Q. Five feet, four inches tall; is</p> <p>4 that right?</p> <p>5 A. Yes.</p> <p>6 Q. Weighing a hundred and twenty-five</p> <p>7 pounds.</p> <p>8 A. Yes.</p> <p>9 Q. And based upon your experience as a</p> <p>10 police officer, would you consider a five</p> <p>11 foot four, a hundred and twenty-five pound</p> <p>12 female who is cursing someone to be a threat</p> <p>13 to a police officer?</p> <p>14 MR. STUBBS: Object to the form.</p> <p>15 MR. HOWARD: Object to the form.</p> <p>16</p> <p>17 Q. You can answer. If she didn't have</p> <p>18 a weapon?</p> <p>19 A. Yeah.</p> <p>20 Q. And how so?</p> <p>21 A. I've had my butt whooped by one.</p> <p>22 Q. By a five foot four, a hundred and</p> <p>23 twenty-five pound female?</p>

<p style="text-align: right;">Page 165</p> <p>1 A. Uh-huh (affirmative response).</p> <p>2 Q. Okay. But Ms. Helm, it doesn't say</p> <p>3 she beat up a police officer, right?</p> <p>4 A. No.</p> <p>5 Q. Is that right?</p> <p>6 A. That's right.</p> <p>7 Q. On his statement, if you turn to</p> <p>8 the second page, it says, she became</p> <p>9 combative. Do you see that down at the</p> <p>10 bottom of the synopsis of events?</p> <p>11 A. Yes.</p> <p>12 Q. It says, officers were rendering</p> <p>13 aid to a female when the female became</p> <p>14 combative. The female's mother, Michelle</p> <p>15 Helm, became combative towards officers.</p> <p>16 Officers told Helm to get back and calm down.</p> <p>17 Helm would not comply and was Tased and</p> <p>18 arrested. Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. Does it say in what manner Ms. Helm</p> <p>21 became combative?</p> <p>22 A. No.</p> <p>23 Q. All right. Go back to the synopsis</p>	<p style="text-align: right;">Page 167</p> <p>1 arm, is there any indication that Michelle</p> <p>2 Helm was combative toward Morgan?</p> <p>3 A. No.</p> <p>4 Q. Prior to Morgan grabbing Michelle</p> <p>5 Helm, isn't it true that according to John</p> <p>6 Bryant's synopsis of what Officer Morgan told</p> <p>7 him, his only interaction with Michelle Helm</p> <p>8 had been her saying, fuck you, that's my</p> <p>9 daughter; is that right?</p> <p>10 MR. STUBBS: Object to the form.</p> <p>11</p> <p>12 A. Correct.</p> <p>13 Q. So in your experience as a police</p> <p>14 officer, is the fact that a lady says to</p> <p>15 someone, fuck you, that's my daughter, does</p> <p>16 that rise to the level of being Tased?</p> <p>17 A. No.</p> <p>18 Q. Now, Officer Morgan then says -- if</p> <p>19 you keep reading after he says he grabbed her</p> <p>20 left arm in an attempt to escort her out,</p> <p>21 what does he say then?</p> <p>22 A. He says she became combative after</p> <p>23 he attempted to escort her. He said he</p>
<p style="text-align: right;">Page 166</p> <p>1 that was done by the shift supervisor.</p> <p>2 Okay?</p> <p>3 A. Okay.</p> <p>4 Q. Now, understanding you've never</p> <p>5 seen this document before, I do want you to</p> <p>6 go down to about middleways. Do you see out</p> <p>7 on the left-hand column where the word</p> <p>8 daughter is and there is an exclamation point</p> <p>9 and quotation mark?</p> <p>10 A. Yes.</p> <p>11 Q. All right. We're going to back up.</p> <p>12 And if you would, read that sentence where it</p> <p>13 starts with he said, T</p> <p>14 A. He said Ti . became more irate</p> <p>15 after she saw her mother. Morgan said he</p> <p>16 told Michelle to move back in an attempt to</p> <p>17 diffuse the situation.</p> <p>18 Morgan said Michelle told him, fuck</p> <p>19 you. That's my daughter. Morgan said he</p> <p>20 grabbed Michelle by her left arm in an</p> <p>21 attempt to escort her out.</p> <p>22 Q. Okay. Let me stop you right there.</p> <p>23 Prior to Morgan grabbing Michelle Helm's left</p>	<p style="text-align: right;">Page 168</p> <p>1 attempted to drive stun Michelle with the</p> <p>2 Taser.</p> <p>3 Q. Okay. Stop right there for me.</p> <p>4 A. Okay.</p> <p>5 Q. It says he said she became</p> <p>6 combative after he attempted to escort her.</p> <p>7 Does it say that she hit him?</p> <p>8 A. No.</p> <p>9 Q. Does it say that she kicked him?</p> <p>10 A. No.</p> <p>11 Q. Does it say that she used a weapon</p> <p>12 on him?</p> <p>13 A. No.</p> <p>14 Q. It simply says she became</p> <p>15 combative, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Do you consider someone who when</p> <p>18 you instruct them to do something and they</p> <p>19 use curse words toward you, would you</p> <p>20 consider that to be combative?</p> <p>21 A. No.</p> <p>22 MR. HOWARD: Object to the form.</p> <p>23</p>

<p style="text-align: right;">Page 169</p> <p>1 Q. Tell me what you would consider a 2 combative suspect to be. 3 MR. HOWARD: Object to the form. 4 5 A. It could be anywhere from passive 6 resistance to pushing you. I mean, pushing 7 you back or anything like that, I would 8 consider that. 9 Q. And when you say a passive 10 resistance, explain to me what you mean when 11 you say passive resistance. 12 A. Well, I go to grab somebody's arm, 13 and they pull away. That's passive 14 resistance. 15 Q. If you grab my arm, and you 16 actually grab my arm, and I just kind of do 17 like that (indicating), would you consider 18 that to be passive resistance? 19 A. That's passive resistance. 20 Q. If Officer Morgan grabbed Michelle 21 Helm's arm on the night of January 16, 2015 22 and she just sort of pulled away, but didn't 23 actually break his grip, would you consider</p>	<p style="text-align: right;">Page 171</p> <p>1 being escorted, she was resisting and 2 thrashing around. 3 Q. But that was after she had been 4 Tased, correct? 5 A. Well, it's according to how you 6 look at it. 7 Q. Well, look at the way it's written 8 here. 9 A. Okay. 10 Q. Because the way that it's written 11 here, I'm going to read this to you and you 12 tell me if I've read it correctly. Okay? 13 A. Okay. 14 Q. He said that she became combative 15 after he attempted to escort her. He said he 16 attempted to drive stun Michelle with his 17 Taser. He said the drive stun contact was a 18 short cycle because Michelle moved her leg 19 and knocked the Taser out of his hand. 20 He said the drive stun was applied 21 in the middle area of the back. He said he 22 and Officer Gilliland escorted Michelle out 23 of the building and restrained her. He said</p>
<p style="text-align: right;">Page 170</p> <p>1 that to be passive resistance? 2 MR. STUBBS: Object to the form. 3 4 Q. You can answer. 5 A. Yes. 6 Q. Would you consider that to rise to 7 the level of needing to be Tased? 8 A. No. 9 Q. But when we read the synopsis given 10 by Officer Bryant based upon what Officer 11 Morgan told him in order to fill out the 12 shift supervisor use of force form, there is 13 no indication between the time that he says 14 she became combative and the time that he 15 attempted to drive stun her that she actually 16 made any attempt to flee the scene, is 17 there? 18 A. Well, the way I read it, if you go 19 back up here, he said a drive stun was 20 applied in the middle area of the back. He 21 said he and Officer Gilliland escorted 22 Michelle out of the building and restrained 23 her. He said during the time that she was</p>	<p style="text-align: right;">Page 172</p> <p>1 during the time she was being escorted, she 2 was resisting and thrashing around. Once 3 Helm was restrained, she was transported to 4 the Etowah County jail. Did I read that 5 correctly? 6 A. Yeah. 7 Q. Now, in reading that, Officer 8 Morgan talks about the drive stun before he 9 talks about being escorted out of the 10 building and resisting and thrashing around, 11 correct? 12 A. Correct. 13 Q. Are you aware whether or not there 14 is body cam footage of Michelle Helm being 15 escorted out of Center Stage on the night of 16 January 16, 2015? 17 A. I'm not aware of it, no. 18 Q. Because you haven't seen any body 19 cam footage. 20 A. No. 21 Q. All right. And again, I think the 22 horse is sufficiently beaten, but this is a 23 form that if it is completed, should be</p>

<p style="text-align: right;">Page 173</p> <p>1 signed by you, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And this form was not signed by</p> <p>4 you.</p> <p>5 A. No.</p> <p>6 Q. And you had not laid eyes on this</p> <p>7 form prior to me showing it to you today,</p> <p>8 correct?</p> <p>9 A. No.</p> <p>10 Q. Is that right?</p> <p>11 A. Yes. Correct.</p> <p>12 Q. So if I understand your testimony,</p> <p>13 and you correct me if I'm wrong, there are no</p> <p>14 annual presentations on use of force given to</p> <p>15 police officers in the Rainbow City Police</p> <p>16 Department; is that correct?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. And you would know if those</p> <p>19 occurred, correct, because you're the Chief</p> <p>20 of Police?</p> <p>21 A. Yes.</p> <p>22 MR. STUBBS: Object to the form.</p> <p>23 MR. HOWARD: Object to the form.</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. Have you seen any photographs that</p> <p>2 depict Ti after she had been Tased which</p> <p>3 showed Taser marks?</p> <p>4 A. No.</p> <p>5 Q. When you went through the Taser</p> <p>6 training that was conducted by Chase Jenkins,</p> <p>7 were you, yourself Tased?</p> <p>8 A. Yes.</p> <p>9 Q. And so you've been Tased before,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. Was a probe used, or was it a drive</p> <p>13 stun?</p> <p>14 A. It was probes.</p> <p>15 Q. And so is there a difference in the</p> <p>16 effect from a probe versus a drive stun?</p> <p>17 A. You get hit with a drive stun, I</p> <p>18 mean, it's bad.</p> <p>19 Q. It hurts a little worse than a</p> <p>20 probe, correct?</p> <p>21 A. To me, it does.</p> <p>22 Q. In fact, it hurts a lot worse,</p> <p>23 right?</p>
<p style="text-align: right;">Page 174</p> <p>1</p> <p>2 Q. As a matter of fact, as Chief of</p> <p>3 Police, that would be something that you</p> <p>4 would direct, correct?</p> <p>5 A. Absolutely.</p> <p>6 Q. And you haven't directed any since</p> <p>7 you have been Chief of Police; is that</p> <p>8 right?</p> <p>9 A. No.</p> <p>10 Q. No, that's not right, or no, you</p> <p>11 haven't?</p> <p>12 A. No, I haven't.</p> <p>13 Q. I asked a bad question, but you</p> <p>14 understood what I meant; is that right?</p> <p>15 A. Yes. Correct.</p> <p>16 Q. After you saw George Morris Tase</p> <p>17 T.H. at Center Stage on January 16, 2015, did</p> <p>18 you observe any marks on her body?</p> <p>19 MR. STUBBS: Object to the form.</p> <p>20</p> <p>21 Q. On her body that were made from the</p> <p>22 Taser.</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 176</p> <p>1 MR. HOWARD: Object to the form.</p> <p>2</p> <p>3 A. I would say so.</p> <p>4 Q. And you would say so because</p> <p>5 you have personal experience from being</p> <p>6 Tasered yourself, right?</p> <p>7 A. Exactly, yes.</p> <p>8 Q. You've been Tasered with a probe.</p> <p>9 A. Yes.</p> <p>10 Q. And was that during that same</p> <p>11 training?</p> <p>12 A. What, the probes?</p> <p>13 Q. Yes, sir.</p> <p>14 A. Yeah.</p> <p>15 Q. During that training, were you</p> <p>16 Tasered with the probes and the drive stun?</p> <p>17 A. No, just with the probes.</p> <p>18 Q. Okay. When were you Tasered by</p> <p>19 drive stun?</p> <p>20 A. I don't think I've ever been drive</p> <p>21 stunned.</p> <p>22 Q. So what is it that you have</p> <p>23 experienced that would lead you to believe</p>

<p style="text-align: right;">Page 177</p> <p>1 that the drive stun hurts worse than the 2 probe? 3 A. Well, I don't have the experience 4 on the drive stun, but from experience being 5 hit with the probes, I don't want to ever get 6 hit with it again. 7 Q. You would agree that being Tasered 8 is not a pleasurable experience. 9 A. No, it's not. 10 Q. And you would agree that as an 11 adult healthy male, you did not enjoy the 12 experience of being Tasered, correct? 13 A. Correct. 14 Q. Would you ever want your child to 15 be Tasered? 16 MR. HOWARD: Object to the form. 17 18 Q. You can answer. 19 A. Well, yeah. I've got one child I 20 wish, yeah. 21 Q. Tell me about that. 22 A. What? 23 Q. Tell me about that.</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. You don't want to finish? 2 A. No. 3 Q. Okay. Well, on the night of 4 January 16, 2015, did you know prior to him 5 actually Tasing T.H. that George Morris was 6 going to Taser her? 7 A. Yeah. When he made the comment. 8 Q. When he made what comment? 9 A. He said, you know, if you don't 10 quit thrashing around and doing all this, I'm 11 going to Taser you. 12 Q. At any point after he said that and 13 prior to him Tasing her, did you say, no, you 14 can't do that, she's a juvenile? 15 A. No. 16 Q. At any point prior to George Morris 17 saying, I'm going to Taser you and him 18 actually Tasing T.H., did you ever tell 19 George Morris, you can't do that, she's 20 having a medical emergency? 21 A. No. 22 Q. At any point prior to George Morris 23 Tasing T.H. the one time that you saw him</p>
<p style="text-align: right;">Page 178</p> <p>1 A. She's mean. 2 Q. How old is she? 3 A. Twenty-five. 4 Q. Would you have wanted her to get 5 Tasered when she was seventeen? 6 A. I ain't going to lie, yeah. 7 Q. I'm going to need a minute. 8 A. I mean, I'm sorry, you know. 9 Q. I don't want you to be sorry. I 10 just want you to tell me the truth. Do you 11 see a problem with a -- 12 A. I see where you're going. 13 Q. Do you see a problem with a 14 juvenile being Tasered? 15 MR. HOWARD: Object to the form. 16 MR. STUBBS: Object to the form. 17 18 A. No. I don't see a problem with a 19 juvenile being Tasered. 20 Q. You don't? 21 A. I mean -- well -- 22 Q. Go ahead and finish your answer. 23 A. No.</p>	<p style="text-align: right;">Page 180</p> <p>1 Taser her, did any police officer for Rainbow 2 City who was there say you should not do 3 that? 4 MS. CHANDLER: Object to the form. 5 6 A. No. 7 Q. Did any police officer who was 8 present on January 16, 2015 try to stop 9 George Morris from Tasing T.H.? 10 A. No. 11 Q. Did any one of them say anything 12 after he Tased her? 13 A. No. 14 Q. After he Tasered her, what, if 15 anything, did you do? 16 A. I stood there for just a second, 17 and then I got up and walked out. 18 Q. When you say I got up, where were 19 you? 20 A. Well, I was kind of behind George 21 on my knees standing there, you know. And I 22 had made comments to her, you know, about -- 23 Q. Well, you said two things. You</p>

<p style="text-align: right;">Page 181</p> <p>1 said I was on my knees standing there. So</p> <p>2 were you on your knees, or were you standing?</p> <p>3 A. I'm going to say I was standing</p> <p>4 there.</p> <p>5 Q. Well, I don't want you to say it</p> <p>6 unless it's true. Were you standing?</p> <p>7 A. Yeah. I was standing.</p> <p>8 Q. Okay. So you were standing behind</p> <p>9 George Morris.</p> <p>10 A. Yes.</p> <p>11 Q. And so you could see everything</p> <p>12 that was going on?</p> <p>13 A. Well, I couldn't see the exact</p> <p>14 Tasing going on, but you could hear it when</p> <p>15 it started doing its little cycle, the</p> <p>16 clicking.</p> <p>17 Q. How long did it cycle?</p> <p>18 A. That one there was probably no more</p> <p>19 than two seconds.</p> <p>20 Q. You said that one there. Did you</p> <p>21 hear another one?</p> <p>22 A. No.</p> <p>23 Q. So from your experience -- strike</p>	<p style="text-align: right;">Page 183</p> <p>1 A. If they're going to carry a Taser.</p> <p>2 Q. And they have to go through the</p> <p>3 chemical agent training, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And what does that consist of?</p> <p>6 A. Taking an OC spray, pepper spray,</p> <p>7 and take them out to the fire bay. And you</p> <p>8 spray them. It takes just a second to take</p> <p>9 effect.</p> <p>10 There will be another guy over here</p> <p>11 that will have like a pad, a big square pad.</p> <p>12 And the guy that got Tased is supposed to</p> <p>13 take a stick, which is flexible. It doesn't</p> <p>14 hurt you. But his job is to be able to,</p> <p>15 after being sprayed, to fight the person</p> <p>16 back.</p> <p>17 Q. And what is the purpose of that? I</p> <p>18 guess I'm just trying to understand why</p> <p>19 you're Tasing all new hires.</p> <p>20 A. I think that's pretty much with</p> <p>21 every department.</p> <p>22 Q. What is the purpose behind Tasing</p> <p>23 them?</p>
<p style="text-align: right;">Page 182</p> <p>1 that. Do you, yourself carry a Taser?</p> <p>2 A. No.</p> <p>3 Q. Have you ever carried a Taser?</p> <p>4 A. Yes, I have.</p> <p>5 Q. Have you ever used your Taser on</p> <p>6 anyone? Even in training.</p> <p>7 A. I have in training.</p> <p>8 Q. Let's break it down like that.</p> <p>9 Have you used your Taser on another</p> <p>10 individual in training?</p> <p>11 A. Yes.</p> <p>12 Q. When was that?</p> <p>13 A. It's been several years ago.</p> <p>14 Q. Well, was it the Chase Jenkins</p> <p>15 training?</p> <p>16 A. No. Well, yes. All new hires,</p> <p>17 when they come in, we put them through the OC</p> <p>18 spray, sometimes the baton, the Taser. And</p> <p>19 when they are being trained to be able to</p> <p>20 carry the Taser, they have to be Tased.</p> <p>21 Q. So every new hire that comes</p> <p>22 through the Rainbow City Police Department</p> <p>23 has to be Tased.</p>	<p style="text-align: right;">Page 184</p> <p>1 A. It gives you the effect to know</p> <p>2 what it does to you.</p> <p>3 Q. And why is it important for a new</p> <p>4 hire to know what a Taser does to someone who</p> <p>5 is being Tased?</p> <p>6 A. That was just the way it was wrote</p> <p>7 up. That's the way they do it.</p> <p>8 Q. Who is they?</p> <p>9 A. The people that does it, the</p> <p>10 instructors.</p> <p>11 Q. All right. So when were you</p> <p>12 Tasered last?</p> <p>13 A. That, I can't tell you. I don't</p> <p>14 know. I mean, it's been a long time ago.</p> <p>15 Several years.</p> <p>16 Q. Now, you said you were standing</p> <p>17 behind George Morris, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Was he standing or kneeling when he</p> <p>20 Tasered T.H.?</p> <p>21 A. He was kneeling.</p> <p>22 Q. Where was he at in relation to her</p> <p>23 body?</p>

<p style="text-align: right;">Page 185</p> <p>1 A. If she's laying down and you're 2 standing over her and you're looking at her, 3 he would have been on the left-hand side of 4 her body. 5 Q. Okay. And I think we marked this 6 photograph earlier, so if you would, take a 7 look at Plaintiff's Exhibit Number 6 again. 8 You said that you were standing behind George 9 Morris. And if she's laying down, he was to 10 her left; is that right? 11 A. He would have been on this side 12 right here (indicating). 13 Q. And in that photograph, do you see 14 an officer to the left of T.H.? 15 A. Yes. 16 Q. And how do you know that's an 17 officer? 18 A. Well, there again, I'm going to 19 have to assume because you've got the walkie 20 talkie like what we carry that nobody else 21 has and then appears to be wearing a uniform. 22 Q. Do you know who that officer is? 23 A. No.</p>	<p style="text-align: right;">Page 187</p> <p>1 A. I believe he was. 2 Q. Okay. Were you present when the 3 medics strapped T.H. to a gurney? 4 A. I was not present at the time they 5 strapped her, but when they were taking her 6 out and they had her strapped on there, I 7 seen that. 8 Q. You saw that? 9 A. Yes. 10 Q. At the time they took Ti out of 11 Center Stage, were any other Rainbow City 12 police officers present? 13 A. I don't recall. 14 Q. Do you recall what the mood was 15 of -- or you don't recall if any other 16 officers were still present? 17 A. I mean, there were officers there, 18 but you mean were they present -- 19 Q. Near T.H. Within five feet of T.H. 20 A. I don't recall. 21 Q. Do you recall what the overall mood 22 was of the officers after T.H. was Tased? 23 MS. CHANDLER: Object to the form.</p>
<p style="text-align: right;">Page 186</p> <p>1 Q. You can't tell from that 2 photograph, can you? 3 A. No. 4 Q. And if I understood your testimony 5 earlier, and there was a little confusion, 6 you don't believe you were present at the 7 time this screen capture was made, do you? 8 A. I don't believe I was. 9 Q. Okay. Have you spoken with Jimmy 10 Fazekas about this lawsuit? 11 A. I don't think I have. Jimmy has 12 been gone for a while. 13 Q. He left in December of 2015, 14 correct? 15 A. I think so. 16 Q. And do you know when Officer Morgan 17 left, Gary Morgan? 18 A. No, I don't. 19 Q. You don't? 20 A. No. 21 Q. Now, Officer Kimbrough, was he 22 present at the time that Sergeant Morris 23 Tased T.H.?</p>	<p style="text-align: right;">Page 188</p> <p>1 MR. STUBBS: Object to the form. 2 MR. HOWARD: Object to the form. 3 4 Q. Was there laughter and joking? 5 A. No. 6 Q. There wasn't? 7 A. No. Not about that, no. 8 Q. Did anyone laugh or make fun of 9 T.H.? 10 A. Not that I'm aware of. 11 Q. If a Rainbow City police officer 12 had laughed and made fun of T.H. after she 13 had been Tased and strapped to a gurney, 14 would you consider that to be outside of the 15 way that a Rainbow City police officer should 16 act? 17 MS. CHANDLER: Object to the form. 18 MR. STUBBS: Object to the form. 19 MR. HOWARD: Object to the form. 20 21 A. It would be unprofessional. 22 Q. It would be unprofessional? 23 A. I would think so.</p>

<p style="text-align: right;">Page 189</p> <p>1 Q. Now, you said that you have not had 2 any conversations with Camp Yancey about this 3 incident? 4 A. Not that I can recall. 5 Q. Okay. I'm going to play you 6 another video clip. And again, the copies 7 that I received, the audio cuts in and out. 8 And hopefully, we can get a better copy. 9 MR. HOWARD: And while we're on 10 that, it appears to me that the audio starts 11 thirty seconds after the video starts. I 12 don't know why. 13 MR. HARP: That may very well be 14 true. 15 MR. HOWARD: Mr. Gilliland dealt 16 with a lot of this. You may want to ask him 17 that, but I finally figured out what you're 18 talking about. It just comes in thirty 19 seconds after the video starts. 20 21 (Viewing video.) 22 23 Q. Do you recognize that officer back</p>	<p style="text-align: right;">Page 191</p> <p>1 Q. Okay. Do you see that gentleman 2 right there in the plaid shirt with the 3 baseball cap on? Can you see him? 4 A. Yes. 5 Q. Do you know who that is? 6 A. No. 7 Q. Have you ever seen Jeremy Reeves? 8 A. Yes. 9 Q. Would you know him if you saw 10 him? 11 A. Yeah, but I can't tell out of that 12 picture there. 13 14 (Viewing video.) 15 16 Q. Now, you heard the person say over 17 her mouth and nose, correct? 18 A. Uh-huh (affirmative response). 19 Q. Now, was that voice coming from 20 whomever was wearing the body cam? 21 A. Could be, yeah. 22 Q. Do you know whose voice that is? 23 A. It sounds like Sergeant Morris.</p>
<p style="text-align: right;">Page 190</p> <p>1 there (indicating)? And if you don't, that's 2 fine. 3 A. Well, it kind of looks like Officer 4 Kimbrough. 5 Q. Officer Kimbrough? 6 A. It looks like it. I wouldn't swear 7 to it. 8 Q. Okay. 9 10 (Viewing video.) 11 12 Q. Now, are you present at this 13 point? 14 A. I'm not sure. 15 16 (Viewing video.) 17 18 Q. Now, there she is on the stretcher. 19 And they've said she spit at them, and she is 20 laying on the stretcher. Are you present at 21 that point? 22 A. I don't recall if I'm present or 23 not.</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Sergeant Morris? 2 A. That's who it sounds like. 3 4 (Viewing video.) 5 6 Q. The various officers in their 7 report has described a chaotic scene, but 8 while you were present and at the point that 9 Ti was being Tased by Officer Morris, were 10 there just civilians milling around like they 11 are in that video? 12 MR. HOWARD: Object to the form. 13 14 A. You have civilians over here. 15 Q. Yes, sir. 16 A. I don't know if you had any back 17 over here, but there was two or three 18 gentlemen over there. I don't know what they 19 was waiting on, but yeah, they were there. 20 Q. And do you know why they were 21 allowed to have conversations with Ti 22 after she had been put on the stretcher? 23 A. Well, not that I know of.</p>

<p style="text-align: right;">Page 193</p> <p>1 Q. Should the officers have allowed 2 the civilians who were just standing in the 3 lobby of Center Stage to be interacting with 4 T at that point? 5 MR. STUBBS: Object to the form. 6 MR. HOWARD: Object to the form. 7 MS. CHANDLER: Object to the form. 8 9 Q. You can answer. 10 A. Well, I don't see any officers in 11 that area right there. 12 Q. Well, we know that there is one 13 because there is a body camera running. 14 A. Yeah. Right. 15 Q. So we know there is one officer 16 there, right? 17 A. Right. 18 Q. We know that there is another 19 officer standing in the door that could or 20 could not be Officer Kimbrough, right? 21 A. Yeah. 22 Q. So we know there is two there, 23 right?</p>	<p style="text-align: right;">Page 195</p> <p>1 Q. Was there ever an incident report 2 that was written up charging her with a 3 crime? 4 A. I don't recall that. 5 Q. Okay. 6 7 (Viewing video.) 8 9 Q. Let me stop it right there. Can 10 you see that guy there now? And I'm talking 11 about that guy in the checkered shirt. 12 A. Yeah. 13 Q. Let me just ask you this way just 14 to get to the meat on the bone. Was Jeremy 15 Reeves standing in the area when Ti was 16 Tased by George Morris? 17 A. I do not know, no. 18 Q. Did you have any conversation with 19 Jeremy Reeves at Center Stage on Janaury 16, 20 2015? 21 A. Yes. 22 Q. And what did you have a 23 conversation with Jeremy Reeves about?</p>
<p style="text-align: right;">Page 194</p> <p>1 A. Right. 2 Q. So now I'm back to my original 3 question. Should they have allowed those 4 civilians to interact with Ti ? 5 A. Well, that was a decision that they 6 had to make, and they made the decision to 7 let them talk, you know. 8 Q. And in your mind, that's okay? 9 A. Well, I would have probably 10 preferred them not to, but that's the 11 decision they made. 12 Q. When you say I would have preferred 13 them not to, is there an official policy 14 about that? 15 A. No. 16 Q. So was Ti considered under 17 arrest at that point? 18 A. No. 19 Q. Was T ever charged with any 20 crime? 21 A. No. 22 Q. Are you sure about that? 23 A. I'm pretty sure.</p>	<p style="text-align: right;">Page 196</p> <p>1 A. We were just talking, I mean, 2 normal talk. 3 Q. Did you have any conversation with 4 Jeremy Reeves after George Morris Tasered 5 Ti m? 6 A. I don't recall. 7 Q. You don't recall? 8 A. I don't recall. 9 Q. Okay. 10 11 (Viewing video.) 12 13 Q. Now, someone is asking Ti while 14 she is strapped to a stretcher if she wanted 15 him to let him loose on her. Do you have any 16 idea what that's about? 17 A. What now? 18 Q. Let me back it up for you and let 19 you listen to it again. 20 21 (Viewing video.) 22 23 Q. The question was, do you want me to</p>

<p style="text-align: right;">Page 197</p> <p>1 let her loose on you.</p> <p>2 A. I don't know what that's about.</p> <p>3 Q. Okay. Did anyone ever tell you</p> <p>4 that that type of conversation was happening</p> <p>5 after she had been Tased by Officer Morris?</p> <p>6 MR. STUBBS: Object to the form.</p> <p>7</p> <p>8 A. No.</p> <p>9 Q. Did anyone ever tell you or alert</p> <p>10 you as Chief of Police that hey, after she</p> <p>11 was placed on a stretcher, civilians were</p> <p>12 allowed to laugh and joke at her?</p> <p>13 MR. HOWARD: Object to the form.</p> <p>14 MR. STUBBS: Object to the form.</p> <p>15</p> <p>16 Q. You can answer.</p> <p>17 A. No.</p> <p>18</p> <p>19 (Viewing video.)</p> <p>20</p> <p>21 Q. Now, the question there from the</p> <p>22 person wearing the body cam was, are y'all</p> <p>23 carrying her to Brice. To your knowledge,</p>	<p style="text-align: right;">Page 199</p> <p>1 A. That, I don't know.</p> <p>2 Q. Where would that be in any of the</p> <p>3 use of force forms?</p> <p>4 A. It wouldn't be in the use of force</p> <p>5 forms.</p> <p>6 Q. Where would that be in any of the</p> <p>7 documentation generated by the Rainbow City</p> <p>8 Police Department related to this incident?</p> <p>9 A. It probably wouldn't be.</p> <p>10</p> <p>11 (Viewing video.)</p> <p>12</p> <p>13 Q. Do you see this officer right</p> <p>14 here?</p> <p>15 A. Yeah.</p> <p>16 Q. Who is that? Let me back it up for</p> <p>17 you.</p> <p>18 A. Back it up.</p> <p>19</p> <p>20 (Viewing video.)</p> <p>21</p> <p>22 A. That's Officer Kimbrough.</p> <p>23 Q. And he's laughing and joking. Do</p>
<p style="text-align: right;">Page 198</p> <p>1 what is Brice, if you know?</p> <p>2 A. Brice I think is what used to be a</p> <p>3 mental hospital in Tuscaloosa.</p> <p>4 Q. That was a place that they would</p> <p>5 take patients with mental problems,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Do you know why that officer</p> <p>9 wearing a body cam was asking the paramedics</p> <p>10 if they were taking her to Brice?</p> <p>11 A. No.</p> <p>12 Q. Was there anything that you saw</p> <p>13 during the time that you were in the area</p> <p>14 where T was which would indicate that she</p> <p>15 needed to be sent to Brice?</p> <p>16 A. No.</p> <p>17 Q. Did any officer for Rainbow City</p> <p>18 accompany the paramedics to the hospital?</p> <p>19 A. I think so. I think they escorted</p> <p>20 or they followed the ambulance over there, I</p> <p>21 think. I couldn't tell you for sure.</p> <p>22 Q. Who would be able to tell me</p> <p>23 that?</p>	<p style="text-align: right;">Page 200</p> <p>1 you know what he's laughing and joking about?</p> <p>2 MR. STUBBS: Object to the form.</p> <p>3</p> <p>4 A. No.</p> <p>5 Q. Okay. That concludes that. So we</p> <p>6 know that there were officers present after</p> <p>7 she was placed on a stretcher, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And you don't recall whether or not</p> <p>10 you were there or not.</p> <p>11 A. No.</p> <p>12 Q. Okay. Do you recall her being</p> <p>13 placed on a stretcher?</p> <p>14 A. I did not witness her being placed</p> <p>15 on a stretcher.</p> <p>16 Q. Did you witness her being wheeled</p> <p>17 out?</p> <p>18 A. I think once they got outside with</p> <p>19 her or something, I might have seen it</p> <p>20 then.</p> <p>21 Q. Once they got outside with her?</p> <p>22 A. Yeah.</p> <p>23 Q. So is it fair to say that you never</p>

<p style="text-align: right;">Page 201</p> <p>1 intervened to try to stop George Morris from 2 Tasing T. Helm? 3 A. No. 4 Q. Is that correct? 5 A. That's correct. 6 Q. Are you familiar as Chief of Police 7 with the rights that someone is afforded when 8 they are dealing with the police and being 9 seized? Do you know what a seizure under the 10 Fourth Amendment means? 11 A. No. 12 Q. Are you familiar with the Fourth 13 Amendment at all? 14 A. Yeah. Are you talking about -- 15 Q. If someone is in police custody. 16 A. Okay. Yeah. 17 Q. And what do you consider being in 18 police custody? 19 A. Being in police custody, I would 20 say you've been handcuffed. You've been 21 placed in a police car. 22 Q. So would the fact that T.H., if she 23 felt that she was not free to leave that area</p>	<p style="text-align: right;">Page 203</p> <p>1 MR. HOWARD: Object to the form. 2 MS. CHANDLER: Object to the form. 3 MR. STUBBS: Object to the form. 4 5 Q. Is that right? 6 A. No. I just heard the bad stuff. 7 Q. If you had wanted to, could 8 you have stopped George Morris from Tasing 9 T. --- 10 MR. HOWARD: Object to the form. 11 12 A. I could have requested him not to 13 do it. 14 Q. And you didn't do that, did you? 15 A. No, I did not. 16 Q. As a matter of fact, as the Chief 17 of Police for Rainbow City Police Department, 18 you had a duty to stop him if you thought 19 T.'s constitutional rights were being 20 violated, correct? 21 MR. STUBBS: Object to the form. 22 MR. HOWARD: Object to the form. 23</p>
<p style="text-align: right;">Page 202</p> <p>1 on January 16, 2015 because she was being 2 held down by police officers, would you 3 consider that to be in custody? 4 MR. STUBBS: Object to the form. 5 MR. HOWARD: Object to the form. 6 7 A. Well, it could be. 8 Q. Did T. --- ask for the police 9 officers to let her go when she was being 10 held down? 11 A. I don't recall. 12 Q. You don't recall whether or not she 13 ever said let me go? 14 A. No. I just recall the language 15 that was coming out of her mouth. 16 Q. Okay. Well, if you recall the 17 language, that would have been part of the 18 language, correct, let me go? 19 A. Yeah. But I didn't hear that. 20 Q. So you recall the bad stuff. You 21 just don't recall whether or not she said let 22 me go. 23 A. I just didn't hear it.</p>	<p style="text-align: right;">Page 204</p> <p>1 A. Did I have a -- 2 Q. You had a duty to stop that officer 3 from violating -- 4 A. If I felt that he was doing 5 something wrong, yes. 6 Q. And you would also have that duty 7 whether you were a patrol officer or a Chief 8 of Police, correct? 9 MR. HOWARD: Object to the form. 10 11 A. Yeah. Yes. 12 Q. I mean, a patrol officer for the 13 Rainbow City Police Department has a duty to 14 ensure that other officers are not violating 15 someone's constitutional rights, correct? 16 A. That's correct. 17 MS. CHANDLER: Object to the form. 18 MR. HOWARD: Object to the form. 19 MR. STUBBS: Object to the form. 20 21 Q. And they also have a duty to 22 intervene; is that correct? 23 A. That's correct.</p>

<p style="text-align: right;">Page 205</p> <p>1 MR. HOWARD: Object to the form.</p> <p>2</p> <p>3 Q. That's correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you say you never saw Michelle</p> <p>6 Helm being Tasered.</p> <p>7 A. No, I did not.</p> <p>8 Q. Did you see her at all that</p> <p>9 night?</p> <p>10 A. I don't think I ever saw her.</p> <p>11 Q. You don't think you ever saw</p> <p>12 Michelle Helm?</p> <p>13 A. No.</p> <p>14 Q. So you would not have seen Michelle</p> <p>15 Helm jump on Officer Fazekas' back?</p> <p>16 A. No.</p> <p>17 Q. You would not have seen Michelle</p> <p>18 Helm knock Officer Fazekas to the ground?</p> <p>19 A. No.</p> <p>20 Q. As the Chief of Police for Rainbow</p> <p>21 City, are you ever truly off duty?</p> <p>22 A. No.</p> <p>23 Q. You're always on duty, correct?</p>	<p style="text-align: right;">Page 207</p> <p>1 whether or not you received a call from Aaron</p> <p>2 Helm after this incident?</p> <p>3 A. I don't recollect that, no.</p> <p>4 Q. How long do you believe that T.H.</p> <p>5 was held on the ground while you were</p> <p>6 present?</p> <p>7 A. A couple of minutes.</p> <p>8 Q. A couple of minutes?</p> <p>9 A. Probably a couple of minutes. Two</p> <p>10 or three minutes. While I was there?</p> <p>11 Q. Yes, sir.</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever move in to assist the</p> <p>14 officers who were holding T.H. on the</p> <p>15 ground?</p> <p>16 A. I did.</p> <p>17 Q. Tell me how you assisted those</p> <p>18 officers.</p> <p>19 A. She was thrashing, and she was</p> <p>20 kicking Officer Kimbrough who was trying to</p> <p>21 hold both feet down. And I stepped over</p> <p>22 there, and I placed my hands on her left foot</p> <p>23 and held her foot for just probably thirty</p>
<p style="text-align: right;">Page 206</p> <p>1 A. Correct.</p> <p>2 Q. And as the Chief of Police for</p> <p>3 Rainbow City, you are a representative of</p> <p>4 Rainbow City, correct?</p> <p>5 A. Correct.</p> <p>6 MR. HOWARD: Object to the form.</p> <p>7</p> <p>8 Q. You are the highest law enforcement</p> <p>9 officer in the City of Rainbow City,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. And all of the police officers in</p> <p>13 Rainbow City, whether on duty or off duty, if</p> <p>14 they are performing police actions, they fall</p> <p>15 under your control, correct?</p> <p>16 A. That's correct.</p> <p>17 MR. STUBBS: Object to the form.</p> <p>18</p> <p>19 Q. And I asked you this at the</p> <p>20 beginning of the deposition, and you didn't</p> <p>21 have a recollection of it, but sitting here</p> <p>22 today as we've talked about things, do you</p> <p>23 have now any better recollection as to</p>	<p style="text-align: right;">Page 208</p> <p>1 seconds.</p> <p>2 Q. So you were holding her left foot.</p> <p>3 A. Yes.</p> <p>4 Q. And who was holding her right</p> <p>5 foot?</p> <p>6 A. Officer Kimbrough.</p> <p>7 Q. Who, if anyone, was holding her</p> <p>8 arms?</p> <p>9 A. Officer Morris was on the same side</p> <p>10 that I was on at one point, and he was on her</p> <p>11 left arm.</p> <p>12 Q. Who was on her right arm?</p> <p>13 A. I don't remember.</p> <p>14 Q. Who was holding her head?</p> <p>15 A. The one that I remember seeing</p> <p>16 holding her head was one of the workers at</p> <p>17 Center Stage.</p> <p>18 Q. And so your testimony is, you never</p> <p>19 saw Justin Gilliland holding her head.</p> <p>20 A. No, I did not.</p> <p>21 Q. So if he put in his statement that</p> <p>22 he was holding her head, that doesn't</p> <p>23 necessarily comply with what you recall,</p>

<p style="text-align: right;">Page 209</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. And how confident are you in what</p> <p>4 your recollection is about those events?</p> <p>5 A. Well, I'm fairly confident.</p> <p>6 Q. Now, you were involved in</p> <p>7 restraining T.H. Why didn't you fill out a</p> <p>8 statement?</p> <p>9 A. I just didn't.</p> <p>10 Q. Did Chase Jenkins ever ask you to</p> <p>11 fill out a statement?</p> <p>12 A. No.</p> <p>13 Q. Did he ever ask you what happened</p> <p>14 that night?</p> <p>15 A. We discussed it.</p> <p>16 Q. And what was the context of you</p> <p>17 discussing what happened?</p> <p>18 A. He just asked me what happened, and</p> <p>19 I told him.</p> <p>20 Q. Did he tell you, well, you probably</p> <p>21 need to reduce that to writing?</p> <p>22 A. No.</p> <p>23 Q. Did you tell Chase Jenkins about</p>	<p style="text-align: right;">Page 211</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. Do you know how long the use of</p> <p>3 force form that was filled out by Officer</p> <p>4 Morgan, do you know how long that form has</p> <p>5 been in existence at the Rainbow City Police</p> <p>6 Department?</p> <p>7 A. The one that he filled out?</p> <p>8 Q. Yes, sir.</p> <p>9 A. It's probably been there since a</p> <p>10 few days after the incident.</p> <p>11 Q. No. I'm sorry. Not the one that</p> <p>12 he filled out, but the form like the blank</p> <p>13 form that he would have filled in.</p> <p>14 A. Oh, that's been there for several</p> <p>15 years.</p> <p>16 Q. Can you tell me why there is two</p> <p>17 different forms that -- I'm sorry. Strike</p> <p>18 that. Can you tell me how long the statement</p> <p>19 form that Officer Morris filled out has been</p> <p>20 around? And I'm going to show you what I'm</p> <p>21 talking about. It's the form that is marked</p> <p>22 as Plaintiff's Exhibit Number 8. How long</p> <p>23 has that form been around?</p>
<p style="text-align: right;">Page 210</p> <p>1 the same things that you've told me today?</p> <p>2 Was there any variation in what you told</p> <p>3 Chase Jenkins?</p> <p>4 A. No, I don't think so.</p> <p>5 Q. Did you tell Chase Jenkins that you</p> <p>6 recall seeing Detective Gilliland holding</p> <p>7 T.H.'s head?</p> <p>8 A. No.</p> <p>9 Q. Did you tell Chase Jenkins that you</p> <p>10 recall Jimmy Fazekas being present?</p> <p>11 A. No.</p> <p>12 Q. What is the policy at Rainbow City</p> <p>13 on taking statements from all the officers</p> <p>14 involved in an incident such as the one that</p> <p>15 happened at Center Stage?</p> <p>16 A. I don't believe there is a</p> <p>17 policy.</p> <p>18 Q. There is no written policy</p> <p>19 regarding --</p> <p>20 A. Not that I'm aware of, no.</p> <p>21 Q. Is there a formal policy about</p> <p>22 reporting the use of force other than these</p> <p>23 use of force forms that we have seen today?</p>	<p style="text-align: right;">Page 212</p> <p>1 A. This form right here (indicating)?</p> <p>2 Q. Yes, sir.</p> <p>3 A. Fifteen years maybe.</p> <p>4 Q. And what is the purpose of that</p> <p>5 form?</p> <p>6 A. In case somebody comes in to</p> <p>7 complain about something, you've got that</p> <p>8 form available. And it's also like a</p> <p>9 statement form for the police officer for the</p> <p>10 general public, if they want to come in and</p> <p>11 fill out something.</p> <p>12 And it's something that</p> <p>13 investigation uses when they've got people</p> <p>14 upstairs, you know, that they want to make an</p> <p>15 arrest, and they want an admission of guilt</p> <p>16 or whatever you want to call it. They will</p> <p>17 fill out a form explaining what they've done.</p> <p>18 Q. Can you tell me why Sergeant Morris</p> <p>19 wrote his statement on that form as opposed</p> <p>20 to Officer Fazekas, whose form appears to</p> <p>21 just be typed on a word processor?</p> <p>22 A. It's just something he must have</p> <p>23 chose to do.</p>

<p style="text-align: right;">Page 213</p> <p>1 Q. Well, does the officer have the</p> <p>2 choice in how they provide their form when it</p> <p>3 relates to the use of force?</p> <p>4 A. Well, the use of -- you're talking</p> <p>5 about this use of force form?</p> <p>6 Q. No, sir. I'm sorry. That's well</p> <p>7 said. What I'm trying to find out is why</p> <p>8 Officer Fazekas did not use the City of</p> <p>9 Rainbow City form to write his statement on.</p> <p>10 A. I assume he just chose not to.</p> <p>11 Q. Is he the one that gets that</p> <p>12 choice?</p> <p>13 A. Yeah, if that's what he wants to</p> <p>14 do. As long as he puts out a statement.</p> <p>15 Q. So the Rainbow City police officers</p> <p>16 are just allowed to decide how and in what</p> <p>17 manner they write their statement out?</p> <p>18 MS. CHANDLER: Object to the form.</p> <p>19 MR. STUBBS: Object to the form.</p> <p>20 MR. HOWARD: Object to the form.</p> <p>21</p> <p>22 A. If that's what they want to choose</p> <p>23 to do, I had no problem with it.</p>	<p style="text-align: right;">Page 215</p> <p>1 from keeping the patrol car clean, uniforms,</p> <p>2 haircuts; is that right?</p> <p>3 A. Yes. I know it does on the</p> <p>4 haircuts and clean shaven. And I'm assuming</p> <p>5 that the cars are in there too.</p> <p>6 Q. And you indicated that the SOP</p> <p>7 manual is about four inches thick. How many</p> <p>8 pages of that SOP is comprised of the use of</p> <p>9 force policy?</p> <p>10 A. I don't remember. I would just</p> <p>11 have to look at it and see.</p> <p>12 Q. Does the SOP manual contain</p> <p>13 policies for Rainbow City police officers</p> <p>14 dealing with juvenile suspects?</p> <p>15 A. I don't recall.</p> <p>16 Q. What would be the reason for a</p> <p>17 Rainbow City police officer to fill out an</p> <p>18 arrest report?</p> <p>19 A. I'm not sure I understand that.</p> <p>20 Q. Sure. If a Rainbow City police</p> <p>21 officer fills out an arrest report, what does</p> <p>22 that mean to you as the Chief of Police?</p> <p>23 Does that mean someone has been arrested?</p>
<p style="text-align: right;">Page 214</p> <p>1 Q. Is there an official policy on how</p> <p>2 to write a statement?</p> <p>3 A. No.</p> <p>4 Q. And that's true for any officer at</p> <p>5 Rainbow City?</p> <p>6 A. True.</p> <p>7 Q. And the use of force policy is kept</p> <p>8 in the SOP manual?</p> <p>9 A. Yes.</p> <p>10 Q. And is every new officer issued an</p> <p>11 SOP manual?</p> <p>12 A. Correct.</p> <p>13 Q. How thick is the SOP manual?</p> <p>14 A. It's probably about like that right</p> <p>15 there (indicating).</p> <p>16 Q. And you're indicating about four</p> <p>17 inches thick?</p> <p>18 A. Probably.</p> <p>19 Q. And that includes every standard</p> <p>20 operating procedure that the Rainbow City</p> <p>21 Police Department has?</p> <p>22 A. Yes.</p> <p>23 Q. And that would include everything</p>	<p style="text-align: right;">Page 216</p> <p>1 A. Yes. Yes.</p> <p>2 Q. Do you know whether or not Michelle</p> <p>3 Helm was actually ever prosecuted for</p> <p>4 disorderly conduct?</p> <p>5 A. I don't think she was.</p> <p>6 Q. To your knowledge, were the charges</p> <p>7 dropped?</p> <p>8 A. I think so.</p> <p>9 Q. Do you have any recollection or</p> <p>10 were you contacted at all about the charges</p> <p>11 against Michelle Helm being dropped?</p> <p>12 A. No.</p> <p>13 Q. Have you spoken to the Mayor of</p> <p>14 Rainbow City about this case?</p> <p>15 A. If I have, it's been a while.</p> <p>16 Q. Have you been given any indication</p> <p>17 as to how long you are going to remain on</p> <p>18 administrative leave?</p> <p>19 A. No, I haven't.</p> <p>20 Q. Do you plan on filing any type of</p> <p>21 grievance against Rainbow City regarding you</p> <p>22 being placed on administrative leave?</p> <p>23 MR. STUBBS: Object to the form.</p>

<p style="text-align: right;">Page 217</p> <p>1 MR. HOWARD: Object to the form.</p> <p>2</p> <p>3 Q. You can answer.</p> <p>4 A. If they will leave me alone for the</p> <p>5 next twelve weeks, I will retire.</p> <p>6 Q. You plan to retire in twelve</p> <p>7 weeks?</p> <p>8 A. Yeah.</p> <p>9 Q. How many years will that give you?</p> <p>10 A. Well, with my Stress Bill time and</p> <p>11 everything, close to thirty years.</p> <p>12 Q. Have you ever seen a person that's</p> <p>13 actually been Tasered? Have you ever seen</p> <p>14 the marks that are left by a drive stun?</p> <p>15 A. Not on a drive stun.</p> <p>16 Q. But you have on probes?</p> <p>17 A. Yes.</p> <p>18 Q. I may have asked you this, and if I</p> <p>19 did, I apologize. Have you had any</p> <p>20 conversation with Jeremy Reeves about this</p> <p>21 lawsuit?</p> <p>22 A. The only conversation was I think</p> <p>23 when we got our paperwork. We didn't</p>	<p style="text-align: right;">Page 219</p> <p>1 paramedics?</p> <p>2 A. Yeah, the fire department.</p> <p>3 Q. And was he present that night?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know who Phillip Braswell</p> <p>6 is? Is that Phil Braswell?</p> <p>7 A. Yes.</p> <p>8 Q. Was he present that night? And</p> <p>9 that night being January 16, 2015.</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you recall seeing a Confidential</p> <p>12 Juvenile Alabama Uniform Incident and Offense</p> <p>13 Report filled out by Phil Braswell?</p> <p>14 A. No.</p> <p>15 Q. Do you know what a Confidential</p> <p>16 Juvenile Alabama Uniform Incident and Offense</p> <p>17 Report is?</p> <p>18 A. I don't think I've ever seen one.</p> <p>19 Q. As the Chief of Police for Rainbow</p> <p>20 City, you have never seen a juvenile incident</p> <p>21 report?</p> <p>22 A. I've seen the juvenile reports. I</p> <p>23 don't think it had that long of letters on</p>
<p style="text-align: right;">Page 218</p> <p>1 particularly discuss it. It was just hey,</p> <p>2 we're getting sued, and that was it.</p> <p>3 Q. Did you call him, or did he call</p> <p>4 you? How did that conversation come about?</p> <p>5 A. I think he called me.</p> <p>6 Q. And when he called you, what did he</p> <p>7 say?</p> <p>8 A. He asked me if I had heard</p> <p>9 anything. And I told him, I said, yeah, we</p> <p>10 got the paperwork where we're being sued.</p> <p>11 Q. Now, why was he calling to ask you</p> <p>12 if you had heard anything?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you know how Jeremy Reeves knew</p> <p>15 that you had been sued?</p> <p>16 A. No.</p> <p>17 Q. Do you know Jamin Palmer?</p> <p>18 A. Who?</p> <p>19 Q. J-a-m-i-n, Palmer.</p> <p>20 A. No.</p> <p>21 Q. How about Mitch Ramsey?</p> <p>22 A. I know Mitch Ramsey.</p> <p>23 Q. Does he work for the Rainbow City</p>	<p style="text-align: right;">Page 220</p> <p>1 it.</p> <p>2 Q. When you got to work the day -- did</p> <p>3 you go to work the next day after this</p> <p>4 incident?</p> <p>5 A. No. I think that would have been</p> <p>6 on a Saturday.</p> <p>7 Q. So the next day that you would have</p> <p>8 been at work would have been that following</p> <p>9 Monday, correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Prior to the interaction with T.H.</p> <p>12 at Center Stage, had you been familiar with</p> <p>13 her?</p> <p>14 A. Not personally.</p> <p>15 Q. When you say not personally, what</p> <p>16 do you mean?</p> <p>17 A. Well, our Department had answered</p> <p>18 calls at their house in the past.</p> <p>19 Q. So the Helm family was someone who</p> <p>20 was familiar to the Rainbow City Police</p> <p>21 Department.</p> <p>22 A. That's correct.</p> <p>23 Q. I want you to look at this document</p>

<p style="text-align: right;">Page 221</p> <p>1 and tell me if you have ever seen it before. 2 Did you tell me you knew David Divine? 3 A. Yeah. I know David Divine. 4 Q. Are you aware that he is listed as 5 a victim of assault in the third that was 6 allegedly committed by T.H.? 7 A. Not that I'm aware of. 8 Q. Can you tell me what assault in the 9 third is, what crimes that encompasses? 10 MR. HOWARD: Object to the form. 11 12 A. Assault in the third is not 13 considered like a major thing. It could be 14 maybe if I punched you in the face and caused 15 you to have a black eye or swelling or busted 16 your nose, that would fall under assault in 17 the third, where right under that would be 18 harassment, like just push or shove. 19 Q. Would spitting be assault in the 20 third? 21 MR. HOWARD: Object to the form. 22 23 A. Yeah. It could be.</p>	<p style="text-align: right;">Page 223</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA 4 ETOWAH COUNTY 5 6 I hereby certify that the above and 7 foregoing deposition was taken down by me in 8 stenotype and the questions and answers 9 thereto were transcribed by means of 10 computer-aided transcription, and that the 11 foregoing represents a true and correct 12 transcript of the testimony given by said 13 witness upon said hearing. 14 I further certify that I am neither of 15 counsel, nor of kin to the parties to the 16 action, nor am I in anywise interested in the 17 result of said cause. 18 19 /s/Beth Word 20 BETH WORD 21 ACCR #: 376 22 EXPIRES: 9/30/2016 23</p>
<p style="text-align: right;">Page 222</p> <p>1 MR. HARP: All right. Mr. Carroll, 2 that's all I have for you right now. Some of 3 these other lawyers may have questions for 4 you. And then I may have follow-up, 5 depending on their questions. 6 MS. CHANDLER: I don't have 7 anything. 8 MR. HOWARD: Nothing. 9 MR. STUBBS: No questions. 10 MR. HARP: All right. Thank you 11 for your time. 12 13 14 15 16 17 FURTHER DEPONENT SAITH NOT 18 ENDING TIME: 2:45 p.m. 19 20 21 22 23</p>	